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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X
UNITED STATES OF AMERICA, : 09-CR-466(BMC)
:
-against- : United States Courthouse
: Brooklyn, New York
:
JOAQUIN GUZMAN LOERA, : Wednesday, January 30, 2019
: 9:30 a.m.
Defendant. :
- - - - -X

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE

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A P P E A R A N C E S: (Continued.)

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1 (In open court.)

2 (Defendant present in open court.)

3 COURTROOM DEPUTY: All rise. The United States
4 District Court for the Eastern District of New York is now in
5 session. The Honorable Brian M. Cogan is now presiding.

6 (Honorable Brian M. Cogan takes the bench.)

7 COURTROOM DEPUTY: Calling criminal cause for jury
8 trial in Docket No. 09-CR-466, *United States of America*
9 *against Joaquin Guzman Loera*.

10 Counsel, please note your appearances for the
11 record.

12 MS. GOLDBARG: For the United States of America,
13 Assistant United States Attorney Andrea Goldbarg.

14 Good morning, your Honor.

15 MR. BALAREZO: A. Eduardo Balarezo for Joaquin Guzman
16 Loera.

17 Good morning, your Honor.

18 COURTROOM DEPUTY: All rise.

19 THE COURT: Good morning. Have a seat, please.

20 We have some juror issues. They are cumulatively
21 complicated, so I'm going to take them one at a time and
22 resolve them.

23 First, one of the jurors advised Ms. Clarke this
24 morning that she needs to know whether the defendant is paying
25 for his own lawyers or not because that's important to her.

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1 Now, it's not an illogical conclusion she's drawing, but it's
2 obviously an improper one. My proposal is for me to have a
3 private, but on-the-record, meeting with her which I say to
4 her three things:

5 First, that there's no evidence in the record on
6 that.

7 That number two, it's not a proper consideration in
8 any event, and she is not to speculate on it because the case
9 has to be decided only on the evidence presented.

10 And number three, she has to assure me that she can
11 adhere to that and put it out of her mind and not worry about
12 how the defendant is paying for his lawyers.

13 That's my proposal. What do you all think.

14 MR. BALAREZO: Your Honor, can we consult for a
15 second?

16 THE COURT: Sure.

17 (A brief pause in the proceedings was held.)

18 MR. BALAREZO: Your Honor, can we have a quick
19 sidebar? Just one more out of many.

20 MR. LICHTMAN: Maybe the last one.

21 THE COURT: Counsel has requested a sidebar so we'll
22 have to.

23 Are you going to want it sealed?

24 MR. LICHTMAN: No.

25 MR. BALAREZO: Possibly depending on what the Court

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1 does.

2 THE COURT: Okay.

3 (Continued on the next page.)

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Sidebar

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1 (Sidebar conference held on the record in the
2 presence of the Court and counsel, out of the hearing of the
3 jury.)

4 MR. BALAREZO: Your Honor, we would like to know who
5 the juror is because we think there's some considerations that
6 this juror is making that are improper, but we would like to
7 know who the juror is. I think Mr. Guzman is entitled to
8 that.

9 MS. PARLOVECCHIO: I don't think that the identity
10 of the juror is material. I think there have been arguments
11 made during trial by defense counsel that the defendant
12 couldn't have means which may be one of the reasons why this
13 has become a question in the juror's mind. I think the
14 Court's proposal is entirely proper and I think, the
15 Government, submits we should move forward as the Court
16 proposes.

17 THE COURT: Look. If you insist on that, I'm not
18 going to tell you who it is but what I will do is the parties
19 have a right to attend my questioning of the juror and then
20 you'll see who it is.

21 MR. LICHTMAN: Judge, can I interrupt?

22 I apologize. I don't want to cause this juror any
23 more stress than any of the jurors.

24 THE COURT: That's why I said a private meeting.

25 MR. LICHTMAN: And I agree with the private meeting

Sidebar

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1 and I don't think what the defense said about wealth for the
2 defendant or anybody else has any relevance to this situation
3 where I am right now.

4 THE COURT: It's mutually excludable. We agree on
5 that it may not considered by a juror. I have to make sure
6 that this juror understands that and accepts it.

7 MR. LICHTMAN: And if he or she can follow your
8 instruction this is a moot, dead, issue. Instead of us
9 sitting in and watching and making her more stressed, I would
10 ask that we get the identity so we can avoid that just so we
11 know who we're dealing with. I don't see the downside of
12 that.

13 THE COURT: Because then it gives the parties
14 another consideration that shouldn't come into play here. The
15 strategic consideration of which way do they think this juror
16 might lean anyway and how much are they willing to forgive.
17 What I might do is do the private interrogation, and then if
18 you have any concern about, you know, my conclusion as to
19 whether the juror can put it aside, you can read the
20 transcript. We'll get it for you immediately and it will be
21 short and you can look at it and then make a decision. But I
22 don't want to get into who is this a good juror for and,
23 therefore, should we object. That's not the issue. The issue
24 is: Can the juror put it aside?

25 MR. LICHTMAN: Can I ask if it's an alternate or

Sidebar

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1 regular juror?

2 THE COURT: It is not an alternate.

3 MR. LICHTMAN: Okay. That's fine, Judge. Listen,
4 that's your decision. That's your decision.

5 THE COURT: Let's address the other problems.

6 (Sidebar discussion concludes.)

7 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: The two other problems -- that is not
3 sealed by the way.

4 The two other problems relate to the alternate
5 jurors and they touch upon the question of what should we be
6 doing with the alternate jurors while the 12 are deliberating.

7 Now, let me address them one at a time. This one
8 I'm going to name the number because I think it's important
9 here. We're talking now about Alternate No. 6. And as to
10 Alternate No. 6, we have received at least one call from his
11 employer saying he can't keep him employed if he's not back by
12 what was supposed to be Monday, and we're being pressed on
13 that.

14 My view is, in light of the fact that we have all
15 six alternates, we should let him go with an admonition, that
16 is, he still can't talk about the case. Everybody agree with
17 that?

18 MS. PARLOVECCHIO: Yes, your Honor.

19 MR. BALAREZO: We have no objection.

20 THE COURT: Okay. Then the only other one we have
21 to worry about is one of the other alternates, and this
22 alternate's only problem is that the alternate cannot sit on
23 this Friday because the alternate had a doctor's appointment
24 during the trial that was -- I'm sorry, not a doctor's
25 appointment, a court hearing that was deliberately moved to

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1 this Friday on the assumption it would be an off day to cannot
2 be moved again.

3 Now, there's several possibilities of how to resolve
4 this if we get the jury fully charged by Thursday evening,
5 Thursday close of business, then we could have the 12
6 deliberating on Friday and the other now five alternates we
7 could have four of those five reporting and this other one
8 could attend the legal hearing that the juror needs to attend
9 under an admonition, under the usual admonition, and then
10 bring them back Monday.

11 But it raises the bigger question of what you all
12 want to do with the alternates while the main jury is
13 deliberating. Do you want me to isolate them in a separate
14 room, which seems a little harsh, but in a case like this not
15 unreasonable I think.

16 So what are your thoughts on that?

17 MR. BALAREZO: Your Honor, I think the Court's
18 suggestion works. The jurors, the alternate should be
19 separate from the jury.

20 THE COURT: They're certainly not going there be
21 there for deliberations, that's for sure, okay? And they
22 also -- if they're going to serve as alternate, they have to
23 hear the entire charge. So this juror isn't coming in on
24 Friday, we have to finish the charge by Thursday. If we don't
25 then, we'll have another choice to make which is to let this

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1 alternate go and have the rest deliberate on Friday.

2 MR. BALAREZO: Can we know who the alternate is so
3 we can see where they fit?

4 THE COURT: I think it's the -- I'll tell you it's
5 one of the early alternates.

6 MR. LICHTMAN: Start from one, or is that one?

7 THE COURT: Early starts from this way behind me.

8 MS. PARLOVECCHIO: Your Honor, I would propose that,
9 you know, as the Court suggested we would have the jurors be
10 isolated the alternates rather isolated in a separate room
11 when the jurors deliberate perhaps we can see where we are in
12 terms of timing before we make a decision.

13 THE COURT: Let's put this off. Good idea. All
14 right. That's fine.

15 Let me now go and have this meeting with the juror
16 who had the question and then the parties can confer with the
17 court reporter and hear the transcript on that and then we'll
18 reconvene for closings unless we find there's a problem and
19 then we'll have to deal with that problem.

20 MR. REILLY: If there's a transcript, it can be read
21 in open court rather than keeping it secret. If you're going
22 to have the colloquy that's open to the parties and there's no
23 basis for sealing.

24 THE COURT: You're right. That's fine. We'll read
25 it in open court. It will be short.

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1 MR. REILLY: Thank you.

2 THE COURT: We're in recess.

3 (Continued on the next page.)

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Robing Room Conference

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1 (The following occurred in the judge's robing room.)

2 (Juror enters the room.)

3 THE COURT: Have a seat.

4 JUROR: Thank you.

5 THE COURT: I understand from Ms. Clarke that you
6 have a question about how the defendant's attorneys are being
7 paid for, that you think that might be important in the
8 deliberations. Is that right?

9 THE JUROR: Yes, that was the question I put to her.

10 THE COURT: Okay.

11 THE JUROR: I had a second, but I didn't think it
12 tell you. My second question was if the decision on the
13 defense's presentation was the defendant's. Like, how they
14 handled closing their argument, not closing, but presenting
15 their case.

16 THE COURT: Okay. Let me answer both your
17 questions.

18 THE JUROR: Okay.

19 THE COURT: First of all, there is no evidence in
20 the record as to how the defendant's attorneys are being paid
21 for or compensated, so we're not going to know that.

22 THE JUROR: Okay.

23 THE COURT: But, more importantly, we shouldn't know
24 that because the case only has to be decided on the evidence
25 of who did what and what happened when. That's what the jury

Robing Room Conference

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1 has to decide. I'm not saying your question is illogical,
2 it's perfectly logical, but it's impermissible under the law,
3 and I need to know from you that you can put it aside and not
4 speculate about whether the defendant is paying for his
5 attorneys, whether they're volunteers, whether they're
6 publicly appointed. You need to put that out of your mind.
7 Are you able to do that?

8 THE JUROR: Yes, I've heard the evidence, and if
9 that's what I'm basing my decision on, I'm good with that.

10 THE COURT: You have no doubt about that?

11 THE JUROR: I have no doubt about that.

12 THE COURT: Okay. Now, as to your second question.
13 It's a similar answer, you know, the case has to be decided
14 just based on the evidence that was presented to you, not on
15 considerations outside the courtroom. So you shouldn't worry
16 about whose decision was it to present the case one way or
17 another.

18 I'll tell you, as a practical matter, defendants
19 confer with their lawyers and a joint decision is reached as
20 to how to proceed. Generally, I don't really know. I mean,
21 the simple answer to your question is, I don't know what
22 happened between the defendant and his attorneys because I'm
23 not allowed to know nor are you.

24 THE JUROR: Okay.

25 THE COURT: Okay. And so, I've got to have

Robing Room Conference

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1 assurance that you can put that out of your mind as well?

2 THE JUROR: Yes, you have that assurance.

3 THE COURT: Any doubt about that at all?

4 THE JUROR: No.

5 THE COURT: Okay. And the last thing I want to say
6 is, please don't discuss this just like I've been saying don't
7 discuss the case amongst yourselves, don't discuss this
8 interview with any of the other jurors.

9 THE JUROR: I won't.

10 THE COURT: Thanks very much.

11 THE JUROR: I'll see you in the courtroom.

12 THE COURT: Yes. See you in a bit.

13 (Juror exits from the robing room.)

14 THE COURT: Okay. You can read that back.

15 (Robing room conference concludes.)

16 (Continued on the next page.)

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Proceedings

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1 (In open court.)

2 COURTROOM DEPUTY: All rise.

3 THE COURT: Okay. Have a seat, please. I will ask
4 the court reporter to read back my interview with the juror in
5 question.

6 (The requested portion of the record was read back
7 by the Official Court Reporter.)

8 THE COURT: Okay. Everybody okay?

9 MR. LICHTMAN: Yes.

10 MS. PARLOVECCHIO: Yes, your Honor.

11 THE COURT: Okay. And then the only other thing we
12 didn't discuss before was when do let Alternate 6 go. With
13 your permission, I will just go into the hall now, have
14 Ms. Clarke bring him out, admonish him in the way that I've
15 been admonishing the jury, and release him.

16 Is that okay?

17 MR. BALAREZO: Yes.

18 MS. PARLOVECCHIO: Yes, your Honor.

19 THE COURT: So we'll recess for a minute and a half
20 or so, so I can do that and then we'll start closings.

21 (Continued on the next page.)

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Conference

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1 (The following occurred in the hallway outside the
2 courtroom between the Court and the Juror.)

3 THE COURT: Hi, how are you.

4 THE JUROR: Hi how are you?

5 THE COURT: Quick question, you know, we got a call
6 from your employer early on saying you're badly needed at work
7 and they gave a date of January 28th. I wanted to make sure,
8 are you under undue pressure to get back to work? Is your job
9 in jeopardy?

10 THE JUROR: No, no because my manager said that
11 around this time of year it's actually a little slow, but, you
12 know, because I've been away for so long, like, he's he was
13 under all this pressure about how long is this going to go on
14 because since I'm not working there, like, he's wondering why
15 he would continue to pay me when I'm not there working, so.

16 THE COURT: Okay. But are you okay staying for
17 this, or is it going to cause you a real hardship?

18 THE JUROR: No. I don't think it's giving me
19 problems right now aside from what my manager is going
20 through.

21 THE COURT: Okay. It's giving him problems but not
22 you problems?

23 THE JUROR: Yeah, the only problems I'm getting is,
24 you know, from all the other guys, you know, the Fridays that
25 I've been there them asking me all of these questions about

Conference

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1 what I've been doing.

2 THE COURT: Which you haven't been answering?

3 THE JUROR: Right.

4 THE COURT: Okay. You tell me if that's a real
5 hardship for you to miss more work than, you know, I'll
6 consider letting you did, but if you think you can stick with
7 it until the end, I'd like you to do that. Can you?

8 THE JUROR: I believe I can do it.

9 THE COURT: Okay. You're confident in that.

10 THE JUROR: I am.

11 THE COURT: Okay. Don't tell the other jurors,
12 please, that we had this conversation, but go back in and
13 we'll be with you in just a couple of minutes.

14 (Sidebar discussion concludes.)

15 (Continued on the next page.)

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Conference

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1 (In open court.)

2 COURTROOM DEPUTY: We're going to recess for ten
3 minutes.

4 (A recess in the proceedings was taken.)

5 (Continued on the next page.)

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Summations - Ms. Goldberg

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1 THE COURT: Everyone be seated for just a minute.
2 My conversation with alternate six was it's not hardship and
3 he wants to stay, don't be surprised when you see him.

4 Let's bring in the jury.

5 (Jury enters.)

6 THE COURT: Everyone be seated. Good morning,
7 ladies and gentlemen. Sorry for the delay we had take care
8 of a couple of matters.

9 We're now ready for summations. The Government
10 may begin.

11 MS. GOLDBARG: Thank you, your Honor. Good
12 morning. High in the mountains of Sinaloa, a bonfire roared
13 in what would become a shallow grave. Two men lay in front
14 of the fire beaten almost to death but still breathing. The
15 defendant, Joaquin Guzman Loera, was surrounded by his
16 underlings. He leveled his rifle at the head of one of the
17 men, he cursed him, and then he shot him. The second man
18 would soon share the same fate. When the defendant was
19 done, he turned to his worker, Memin, and he said toss them
20 in the bonfire.

21 Why did the defendant torture and murder these two
22 men? Well, it was because they were from a rival drug
23 trafficking organization, a rival cartel. And the defendant
24 was incensed that these two men, who came from his home
25 state of Sinaloa, would work for a rival cartel and not help

Summations - Ms. Goldberg

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1 him.

2 We told you back in November that this case would
3 be about drugs, about money, and about violence. Over the
4 course of the trial we have shown you how over 25 years the
5 defendant rose through the ranks to become one of the
6 principal leaders of a drug trafficking organization known
7 as the Sinaloa Cartel.

8 The purpose of the cartel was to distribute as
9 much drugs as possible in the United States. Cocaine,
10 heroin, methamphetamine, and marijuana. The goal of the
11 cartel was to en masse billions of dollars in profits from
12 the sales of those drugs. The cartel images were violence
13 and corruption, which allowed the defendant to enforce his
14 business and his will on anything and anyone that stood in
15 his way.

16 Ladies and gentlemen, we have presented an
17 avalanche of evidence. This evidence has shown --

18 A small technical difficulty, your Honor.

19 (Brief pause.)

20 The jurors are indicating they cannot hear me.

21 This avalanche of evidence showed the ways that the
22 defendant brought his drugs into the United States. The
23 transportation methods, the boats, the planes, the ships, the
24 yachts. You saw some of the drugs that fortunately did not
25 make it to the streets, some of the biggest seizures in New

Summations - Ms. Goldberg

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1 York and Chicago. You saw the tools of his trade, the
2 weapons he personally used, and the ones that he purchased to
3 enforce and protect the interest of the cartel. You saw his
4 sophisticated communications network so he could run his
5 organization.

6 And for his leadership in the Sinaloa Cartel he is
7 charged in an Indictment with ten counts. Over the course of
8 the 12 weeks of trial, the Government has proven those ten
9 counts beyond a reasonable doubt. We have proven that
10 through the defendant's own words and the recorded calls and
11 text messages. We've proven it through the testimony of the
12 defendant's associates and workers. We've proven it through
13 evidence that let's you know that the defendant -- that these
14 witnesses are telling the truth about the defendant.

15 You've seen the evidence, you've seen the drugs,
16 the weapons, ledgers, letters, all of this evidence shows
17 that the defendant is guilty of these crimes.

18 So before I begin reviewing the evidence I'd like
19 to thank you on behalf of the United States Government for
20 your time and attention in this lengthy trial. But your job
21 is not yet done, and I'm going to ask you to keep that same
22 level of attention that you've given us through the trial as
23 we walk through the evidence that show how it's proof that
24 the defendant is guilty of all the counts beyond a reasonable
25 doubt.

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1 A note up front, you won't be able to take the
2 Power Point or have the comments read back to you. So if
3 you'd like to take notes, I encourage to you do so.

4 You will be given a verdict sheet. The verdict
5 sheet will ask you if the Government has proven each charge
6 beyond a reasonable doubt. And it will ask you if the
7 Government has proven some specific facts beyond a reasonable
8 doubt. I'm going to point out which counts and which
9 violations and which specific facts I'm discussing, and
10 hopefully this will help you in your deliberations, so this
11 you might want to take notes of.

12 Let's start with the charges. Count One of the
13 Indictment charges the defendant with being a leader of a
14 continuing criminal enterprise, which I'm going to refer to
15 as CCE for short. As part of Count One there are 27 crimes
16 listed, which we call violations, and are all drug crimes and
17 felonies except for one where the defendant is charged with a
18 conspiracy to commit murder.

19 Count Two charges the defendant with the conspiracy
20 to manufacture and distribute cocaine heroin methamphetamine
21 and marijuana. That means the defendant conspired to send
22 drugs from a place outside of the United States, such as
23 Mexico, Colombia or Ecuador, into the United States.

24 Count Three charges the defendant with a conspiracy
25 to import cocaine into the United States from a place outside

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1 of the United States.

2 Count Four charges the defendant with a conspiracy
3 to distribute cocaine and possess with intent to distribute
4 cocaine in the United States.

5 Counts Five, Six, Seven and Eight are the
6 substantive drug crimes, which means that we're charging the
7 actual distribution of drugs not just a conspiracy to do so.

8 Count Nine charges the defendant with the use of
9 firearms in furtherance of his drug trafficking crimes
10 charged in Count One through Four.

11 Lastly, Count Ten charges the defendant with a
12 money laundering conspiracy.

13 As I go through each one of these counts I'll have
14 a board over there and we'll go through it I'll let you know
15 what count I'm reviewing, then we'll go through the evidence.

16 We're going to start at the beginning, Count One.
17 What does Government have to prove in Count One? Now the
18 Judge is going to give you instructions on the law and if
19 anything I say differs from what I Judge says, obviously you
20 follow the Judge's instructions. However, I believe the
21 Judge is going to tell you that in order to find the
22 defendant guilty of Count One, the Government must prove
23 beyond a reasonable doubt five elements. Let's go through
24 those.

25 First, the defendant committed at least one

Summations - Ms. Goldberg

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1 violation of the federal narcotics laws. I'm going to go
2 through these at each element.

3 Second, the offense was part of a series of three
4 or more offenses committed by the defendant in violation of
5 the federal drug laws. I'll explain that when we go through
6 that and the evidence supporting that.

7 Third, the defendant committed the offenses in this
8 series in concert with five or more people.

9 Fourth, the defendant occupied a position of
10 organizer, supervisor or manager with respect to these five
11 people.

12 Fifth, that the defendant obtained substantial
13 income or resources from the series of violations.

14 A lot of legal words, we're going to go through
15 what all of that means. I'm going to break this down for you
16 and take it out of order to help you understand the
17 Government's proof and how it supports each one of these
18 elements. So the I'm going to start with elements three and
19 elements four.

20 Element three is that the defendant committed the
21 offense in a series of violations in concert with five or
22 more people. What does that mean? It means that there were
23 five or more people who worked for or with the defendant to
24 carry out the goals of this criminal enterprise, and that was
25 to send drugs to the United States. It doesn't mean that the

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1 five people have to be named, or known to each other, or have
2 worked with the defendant at the same time. It just means
3 that these five people committed violations with the
4 defendant as part of this enterprise.

5 The fourth element is that the Government must
6 prove that the defendant was an organizer, supervisor, or in
7 any other position of management with these five people.
8 Again, what does that mean? Here ladies and gentlemen, use
9 your common sense. As I mentioned, before the Judge is going
10 to instruct you on the law, but the terms organizer,
11 supervisor, or manager, it simply means was he a boss. A
12 boss tells other people what to do. You probably all have
13 bosses either at home or at work or maybe one of you is a
14 boss as well. Use your everyday experience to see if the
15 evidence supports the fact that the defendant was a boss.

16 What is important here is that the Government has
17 to prove that the defendant was a boss of five or more people
18 in the Sinaloa Cartel. The Government does not have to prove
19 that he was the boss or the only boss or even one of the top
20 bosses; all the law requires is that the Government show that
21 he was a boss, meaning an organizer, a supervisor, or a
22 manager of the Sinaloa Cartel. Anywhere within the criminal
23 organization, from the top all the way to the bottom, as long
24 as he was the boss of five or more people, this element has
25 been proved.

1 After over 12 weeks of testimony, the evidence has
2 shown beyond a reasonable doubt that the defendant was not
3 only a boss of the Sinaloa Cartel, but he was one of the top
4 bosses without a doubt. Now, what was he the boss of? The
5 Sinaloa Cartel. What is that? Simply put, it was a group of
6 criminals who were bosses of their own groups of workers and
7 they had ties to the Mexican state of Sinaloa. This group
8 banded together for a common purpose, to send as much drugs
9 to the United States as possible for sales at huge profits
10 all tied to the drugs cocaine, heroin, methamphetamine, and
11 marijuana.

12 Many witnesses came before you, and this included
13 Rey Zambada, Miguel Martinez, Tirso Martinez, Vicente
14 Zambada, Alex Cifuentes, Damaso Lopez, Valdez Rios. They
15 testified under oath that they were members of the Sinaloa
16 Cartel. They identified the leaders of the cartel including
17 the defendant, and they testified about all the criminal
18 activity they engaged in which furthered the cartel's goals
19 of making billions of dollars by selling drugs in the
20 United States.

21 So who were the leaders of the cartel? You learned
22 from the witnesses that the leaders rose and fell from power.
23 The witnesses identified the defendant Joaquin Guzman as one
24 of the leaders of the cartel. Some other leaders of the
25 witnesses that were identified, was the defendant's partner,

1 Mayo Zambada, Amado and Vicente Carrillo Fuentes, the Beltran
2 Leyva brothers, Arturo, Hector, and Alfredo, and Nacho
3 Coronel. There was also Juan Esparragoza, also known as El
4 Azul, who was an older, respected adviser to the group.

5 So what were the benefits of being a member of a
6 cartel? Well, Rey Zambada testified, quote, Because it's one
7 cartel, it's one organization and they help each other when
8 that help is needed. That means that they were stronger
9 together, that's why they joined forces. One of the ways
10 they were stronger was by sharing the territory that each
11 member controlled. Rey Zambada explained it was important to
12 control territory, especially land near the coast because it
13 made it easier to receive the drugs that were coming in from
14 the water.

15 Many witnesses testified that those areas, that
16 control, was called a plaza. Now, Rey described in great
17 detail how the Sinaloa Cartel controlled plazas. I'll read
18 from his testimony.

19 Question: Now you testified about the importance
20 of controlling a plaza. What are some of the means by which
21 the Sinaloa Cartel would take control of the plaza?

22 Rey Zambada answered: Well, mainly bribing
23 authorities to have Government control and using the armed
24 grouped, the sicarios so that no other group will come to the
25 plaza.

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1 Question: Now, if the drug trafficking group
2 doesn't agree to work with the Sinaloa Cartel in a particular
3 plaza, how would the Sinaloa Cartel assert control in that
4 plaza?

5 Rey Zambada's answer: Well, if one group comes
6 into a plaza controlled by another group without getting
7 permission, then the people are going to get killed if they
8 come in without permission. That's what control of a plaza
9 meant.

10 Several witnesses, including Rey Zambada, told you
11 that the defendant controlled the state of Sinaloa, which is
12 where the cartel members lived and where they had their
13 families. He also controlled the Golden Triangle, the areas
14 where the poppy and marijuana were cultivated.

15 Here is a map of the territories that Rey Zambada
16 and other witnesses testified that the Sinaloa Cartel
17 controlled. It shows an almost a complete control of the
18 Pacific coast of Mexico, right up to the U.S. border.

19 Rey Zambada also testified that another way the
20 cartel members were stronger together was because the leaders
21 would invest in drug shipments together. Each member would
22 own a percentage of the whole, that way if a drug shipment
23 was lost or seized by law enforcement officers each member
24 would only lose the portion that they invested. But if the
25 shipment was successful, then it brought huge rewards for all

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1 of them. This is one of the concepts of share the risk you
2 share the reward.

3 Again, as Rey explained, Question: What was the
4 purpose of using this investment method?

5 Answer: Well, for the Sinaloa Cartel, it's the way
6 to strengthen the cartel and to protect the capital of
7 investors and at the same time make them powerful
8 financially.

9 Explaining one of the goals of the cartel.

10 Let's take a step back briefly, and see how the
11 defendant got to this position from a kid and a family of
12 little means to one of the top leaders of the Sinaloa Cartel
13 that you learned about in this trial. You learned from the
14 evidence that in the mid 1980s until his arrest in 1993 the
15 defendant was a mid-level operative of the Sinaloa Cartel,
16 making a name for himself as El Rapido, because of how
17 quickly he transported drugs, mostly cocaine, from Mexico to
18 the United States for the Colombian cartels.

19 In the late 1980s the defendant worked for El Azul.
20 The defendant was also a boss of his own drug organization,
21 which included his brother, Arturo, also known as Pollo. He
22 was the guy that got arrested at the border, U.S./ Mexico
23 border, trying to bring his brother almost \$1 million back in
24 cash hidden in a truck. We'll talk about that later. It
25 included it his right-hand man, Miguel Angel Martinez. Also

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1 included his cousins, the Beltran Leyva brothers, Arturo,
2 Hector, Alfredo. They received planes from the defendant,
3 planes filled with cocaine. The defendant also had a
4 partnership and worked with Hector Palma Salazar.

5 You heard from Rey Zambada that the defendant
6 didn't respect the territory or the plaza of the Tijuana
7 Cartel run by the Arellano-Felix Organization, AFO for short.
8 So the defendant moved drugs through the AFO territory or
9 that plaza without permission. This was one of the reasons
10 that the war broke out between the AFO, a violent, deadly,
11 long war that we're going to talk about later.

12 It was at this time, after the war broke out, that
13 Mayo Zambada, who had been aligned with Amado Carrillo at the
14 time, he joined Amado in siding with the defendant in the war
15 against the Arellano-Felix Organization. So starting in the
16 1990s, the defendant, Mayo, and their partners, Amado and El
17 Azul, and their sub-leaders, all banded together to move
18 drugs and to fight the war with the AFO until the defendant
19 was arrested in 1993.

20 But not even walls of prison could keep him from
21 the drug trade, with his brother, Pollo, his right-hand man,
22 Miguel Martinez, and his cousins, the Beltran Leyva brothers,
23 they are on the street, the defendant continued to operate
24 his drug organization.

25 You heard from Rey Zambada that his brother Mayo

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1 Zambada helped the defendant while in jail. This help was by
2 lending a hand to the people that were on the street. Mayo
3 Zambada helped Pollo and the defendant's cousins, the Beltran
4 Leyva brothers, while the defendant was in jail. Many of the
5 other witnesses that testified told about direct dealings
6 that they had with these people that were helping the
7 defendant.

8 You heard testimony from Rey Zambada, Tirso
9 Martinez, German Rosero, Juan Carlos Ramirez, and Miguel
10 Martinez. And remember that Chupeto, the Colombian supplier,
11 he sent to the defendant five boats averaging about 10,000
12 kilos each of cocaine to the defendant while the defendant
13 was still in jail. We have another shipment. In 2001, the
14 defendant escapes from a maximum security prison for the
15 first time. This presents a new growth for the cartel.

16 An important event happens when the defendant is in
17 jail. Amado Carrillo Fuentes, one of the leaders of the
18 Sinaloa Cartel at the that time, he died during surgery. So
19 the defendant and Mayo Zambada take the mantle leadership
20 after Amado's death. And then El Azul transitioned into a
21 respected adviser in the role.

22 Where the defendant goes after this daring escape
23 from a maximum security prison? Well, he went to where he
24 felt safe, where he could be protected by his fellow
25 Sinaloa-based traffickers, the mountains that he controlled,

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1 the Golden Triangle. And as detailed by Rey Zambada, these
2 fellow Sinaloa traffickers, Mayo Zambada, the Beltran Leyva
3 brothers, now Amado Carrillo Fuentes since his brother passed
4 away, and Nacho Coronel, in coordination with El Azul they;
5 solidified their relationship within the Sinaloa Cartel
6 during this time. They all decided to strengthen their
7 partnership so they could again be stronger together.

8 Although the defendant still trafficked drugs while
9 he was in this jail, it was these leaders who helped the
10 defendant back to his place of prominence.

11 You heard from Rey Zambada that it was at this
12 moment when the defendant and Mayo Zambada solidified their
13 50/50 partnership, this strengthened their positions within
14 the cartel even more. Now, what does that mean? Any
15 kilogram of cocaine either one of them got their hands on
16 would be shared 50/50.

17 Many cooperating witnesses testified that the
18 defendant and Mayo were partners. And this was through the
19 testimony of Rey Zambada, Chupeta, German Rosero, Vicente
20 Zambada, Tirso Martinez, Pedro Flores, and then Jorge and
21 Alex Cifuentes, as well as Damaso Lopez.

22 (Continued on next page.)
23
24
25

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1 MS. GOLDBARG: As partners, they shared greater
2 territory, infrastructure and all the risks and rewards that
3 came with it. This was the heyday of the Sinaloa cartel,
4 when they were united and working together, and the cartel
5 members thrived, that is until they started to split apart
6 one piece at a time.

7 As you've heard, the heyday did not last for
8 long, jealousies and disloyalties led to war, this war led
9 to fractures within the cartel, but the defendant remained
10 at the center of it.

11 And remember, when Amado Carrillo died, Tirso
12 Martinez told you that Vicente Carrillo he had to answer to
13 Mayo Zambada. Rey called him a sub leader, the way Rey was
14 to his brother.

15 Now, Rodolfo Carrillo, who was Vicente's
16 brother, started to disrespect the rules, so it was the
17 defendant who convinced the other leaders of the cartel to
18 allow him to murder Rodolfo. And we're going to talk about
19 this murder when we talk about the murder conspiracy, but
20 the defendant's gunmen or pistoleros, they killed Rodolfo
21 and as a result, Vicente Carrillo left the Sinaloa cartel
22 and he was now an enemy.

23 In 2008, one of the Beltran Leyva brothers,
24 Alfredo, was arrested and the Beltran Leyva brothers
25 believed that it was the defendant and Mayo's fault. They

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1 declared war against the Sinaloa cartel, as Damaso put it,
2 it was the Beltran Leyva Organization against the defendant,
3 Mayo and Nacho. So the Beltran Leyvas left the cartel, and
4 they were an enemy.

5 Also during this time, Rey Zambada got
6 arrested and Nacho Coronel was killed. So this left the
7 defendant and Mayo Zambada as the preeminent leaders of the
8 Sinaloa Cartel, not only as a result of their longevity in
9 the cartel, but their partnership made them the most
10 powerful of all.

11 All right. So now we talk a little bit about
12 the defendant's criminal organization. Let's talk about how
13 we know he was the boss of five or more people within the
14 cartel. We proven all the elements of three and four beyond
15 a reasonable doubt, we must talk about how.

16 Now, first, you heard from 14 cooperating
17 witnesses and every single one of them took that stand and
18 they testified under oath that the defendant, sitting right
19 there, was a boss of the Sinaloa Cartel. In fact, 11 of
20 these cooperating witness testified that they worked for the
21 defendant in the Sinaloa Cartel; they each had different
22 jobs within the cartel, but they all told you that they
23 committed crimes for the cartel under the defendant's
24 leadership. That right there, ladies and gentlemen, is more
25 than five people.

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1 The witnesses not only told you about the
2 jobs that they did within the cartel, but they told you
3 about the jobs of other people within the cartel as well.
4 For example, Rey Zambada, he walked you through this overall
5 structure. He told you that the defendant and his brother
6 were the principal leaders, he was a sub leader and
7 underneath them you had hundreds of workers and corrupt
8 government officials.

9 You heard about the defendant's secretaries,
10 such as Miguel Martinez, Alex Cifuentes, Condor and
11 Chinakate, the red-headed guy; the engineers Christian
12 Rodriguez, Gordo and Charly. You heard about his hitmen
13 Cholo Ivan, Bravo Fantasma, Jaguar. His pilots such as
14 Cachimba and Memin. That right there is more than five
15 people.

16 But you didn't hear -- you don't have to just
17 rely on that the defendant was on top of the cartel from
18 these cooperating witnesses, you also heard it from the
19 recorded phone calls and text messages. You saw it in the
20 defendant's ledgers seized in Los Cabos, and you saw it in
21 the letter that the defendant wrote and sent to Damaso
22 Lopez.

23 So how did you know the defendant was the
24 boss? Because you heard him on the phone directing his
25 workers to distribute drugs, commit violence and corrupt law

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1 enforcement officers and politicians.

2 Now these recordings were made when no one
3 knew they were being recorded. The defendant didn't know,
4 no one in the conversations knew that the Government was
5 listening to those calls. So they're being made when no one
6 on the call has a motivation to lie.

7 And what did these recordings show you?
8 Government Exhibit 511-3. These recordings give you a
9 window or a sneak peak into how one of the top leaders of
10 the Sinaloa Cartel, how he managed his empire on a
11 day-to-day basis. From his own mouth you heard about the
12 defendant's crimes.

13 How do you know he was a boss? Well, because
14 you saw his text messages directing his worldwide drug
15 distribution network. It wasn't just a text captured on the
16 spyware that he installed or had Christian install on the
17 phones of his wives and his girlfriends. It was also on a
18 wiretap in Arizona that captured over 1 million messages
19 throughout the cartel's entire communication structure with
20 the defendant sitting on top. This structure was also known
21 as the OFIS, O-F-I-S.

22 How do you know he was a boss? Well, because
23 you saw the detailed ledgers from the international drug
24 empire.

25 How do you know he was the boss, because you

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1 saw the defendant's letters to his top associates giving
2 them orders from jail to collect drugs and purchase weapons.

3 And what kind of portrait did the defendant's
4 own words paint? I submit to you, ladies and gentlemen,
5 that they painted a clear portrait of the defendant as one
6 of the top bosses of the Sinaloa Cartel. And the sworn
7 testimony of the cooperating witnesses mirrored the portrait
8 of the defendant in his own words. Now, you know this is
9 true because of his recorded messages. You heard him tell
10 the defendant acting exactly how the witnesses who testified
11 told you he acted, the crimes he committed are the ones that
12 the witnesses told you he committed as well. This evidence
13 proves that the defendant was the boss beyond a reasonable
14 doubt.

15 Now, I'm going take a few minutes to walk
16 through the evidence that shows how the defendant ran his
17 cartel, based on both the cooperating witnesses' testimony
18 that you heard and then in the defendant's own words. But
19 before I do that, I want to focus on one more thing, one
20 more reason why you know that the defendant is one of the
21 bosses. Common sense.

22 Who traveled in armored cars with security
23 guards? Who had a rotating staff of cooks and secretaries?
24 Who has not one, but two tunnels to cross drugs into the
25 United States? Who has not one, but a series of escape

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1 tunnels under bathtubs? Who has a mile-long tunnel built
2 directly into the shower of his jail cell? It was an
3 incredible feat of engineering to get this done. Who has a
4 zoo with little trains so that people touring the guests
5 could travel on? Who flies around in jets and helicopters?
6 Who has an army of people fighting enemies for him? And for
7 that matter, who has enemies that need to be fought with an
8 army? Who has diamond encrusted pistols? Who lives in the
9 mountaintop and has food flown into him? Who has a private
10 communication server? Who wiretaps his families and closest
11 friends and has a scheme to wiretap an entire city?

12 These questions could go on and on. And the
13 answer is common sense. A boss of the Sinaloa Cartel does
14 these things, not just any boss, one of the top bosses. So
15 as we walk through the evidence I ask you, ladies and
16 gentlemen, to rely on your common sense as you listen,
17 because we submit that you've seen staggering evidence that
18 proves the defendant's role in the cartel.

19 Now, I want to turn to the evidence that
20 shows how the defendant ran his cartel, the day-to-day
21 operations of his illegal empire. I want to focus on six
22 types of evidence that you saw and heard about. The
23 defendant selling drugs; the defendant shipping drugs; the
24 defendant buying drugs; the defendant using secure
25 communications; the defendant using corruption and violence

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1 to protect his drug business.

2 Over the trial you've seen and heard a lot of
3 evidence, both in witnesses and recorded messages, showing
4 that the defendant ran his cartel on a day-to-day basis.
5 We're not going to review every single piece of evidence,
6 we're just going to hit the highlights, but all the evidence
7 is available for you to review during your deliberations.

8 Let's start with selling drugs. This was the
9 goal of the Sinaloa Cartel, this was their reason for being.
10 To get the product to the users in the United States, to
11 make sure that the drug users in the United States had a
12 steady supply of narcotics. Why? This is what made the
13 defendant and his cartel billions of dollars.

14 Now you heard many witnesses testify about
15 the defendant selling drugs in the United States and we're
16 going to look at just a few examples of the testimony you
17 heard.

18 For example, Miguel Martinez told you in the
19 early '80s and '90s he helped the defendant smuggle cocaine
20 and marijuana across the U.S./Mexico border, drugs that
21 ended up in the hands of the defendant's customers in Los
22 Angeles.

23 Tirso Martinez told you that he ran a train
24 route for the defendant and the Sinaloa Cartel in the 1990s
25 and early 2000s, sending tons of cocaine and marijuana to

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1 Los Angeles, Chicago and New York.

2 Pedro Flores told you he was a Chicago-based
3 distributor for the defendant, flooding the streets of
4 Chicago and New York with the defendant's cocaine.

5 And Alex Cifuentes told you he and the
6 defendant sold heroin and cocaine right here in the streets
7 of New York City.

8 And you know this is true because you heard
9 it from the defendant, in his own words, committing the same
10 types of crimes that he told you they committed.

11 So we're going to start by listening to one
12 of the clips between the defendant and a woman who were
13 discussing drugs.

14 (Audiotape played.)

15 (Audiotape stopped.)

16 MS. GOLDBARG: We'll play another clip from the
17 same call.

18 (Audiotape played.)

19 (Audiotape stopped.)

20 MS. GOLDBARG: Now let's talk about those calls
21 for a second. Now, in the first call what do you hear the
22 defendant saying? The woman is saying that there are places
23 she can distribute the drugs and she mentioned Ohio, Los
24 Angeles and 52 states. She's close.

25 What did the defendant respond? It's just

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1 that -- what is it that you are getting out, cocaine or ice,
2 in his own words. And you know from many of the witnesses
3 who took the stand, including law enforcement officers, that
4 ice is another name for methamphetamine. So the defendant
5 is talking about getting cocaine and ice to the
6 United States and is talking to a woman who can distribute
7 his drugs in places like Ohio, Los Angeles, and 52 states in
8 the United States.

9 And, again, if that wasn't clear enough, in
10 the next clip that we listened to the defendant says, when
11 he's talking, he's looking for this person Ranchero, he
12 says, Tell him to find someone, find customers for ice over
13 there in the United States. He doesn't use a code word,
14 he's not being coy about where he wants the drugs to go, he
15 says to go to the United States.

16 Right here, ladies and gentlemen, the
17 defendant in his own words is agreeing to send cocaine and
18 methamphetamine to this country. And you saw this same
19 blunt talk about drugs from the defendant in his text
20 messages.

21 Now, before we go into the actual text
22 messages, let me remind you how we got this evidence. FBI
23 Special Agent Marston and Christian Rodriguez explained to
24 you that the defendant installed spyware on the phones of
25 his wife and two of his girlfriends: Lucero Sanchez and

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1 Augustina Caballinas. And remember, that the FBI got these
2 messages with Christian's help. And remember that the
3 defendant sent messages to his workers, the workers who were
4 selling drugs in the United States and other parts of the
5 world for him, and the main person who he was talking to him
6 about this was his girlfriend Augustina, who went by the
7 screen name Fiera. And just like the phone system Cristian
8 had set up for him, the defendant believed that this network
9 was secure so that no one could know what he was talking
10 about. And he spoke openly, in uncoded words about drugs.

11 So let's look at one of the examples. In
12 this conversation the defendant, using the screen name J, is
13 saying, ask if we have -- if we buy him a fishing boat to
14 fish over there in Los Angeles, if he would be willing to
15 receive at 200 miles. Then the defendant makes sure to
16 clarify that he's talking about in front of San Diego.

17 Well, Fiera wants to know what is he talking
18 about, so the defendant says, marijuana or cocaine. What
19 can the person transport for him? Fiera may be a little bit
20 more cautious and says, small ones, trying to keep it in
21 code. The defendant didn't care, he says cocaine. Then he
22 says to bring over.

23 Right now he's talking about finding someone
24 to use a boat to receive drugs in front of San Diego and Los
25 Angeles, and it's clearly marijuana or cocaine and he

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1 clarifies it's cocaine. So he comes right out and he wants
2 to bring cocaine here to the United States. The same thing
3 the cooperating witnesses told you about.

4 One more example, where Fiera is telling him
5 that they have something over there in arbol, which the
6 witness testified means Nogales, but in case you didn't know
7 that, the defendant right there says, Nogales. Tell her to
8 arrange for more cars since I'll be bringing her a ton.

9 What does the defendant mean? He's talking
10 about literally bringing a ton of drugs across the border
11 from Mexico into the United States in cars. Plain talk from
12 the defendant about how he runs his drug operation.

13 And his text messages weren't just with
14 Augustina, his girlfriend, there were also conversations
15 with his wife.

16 Now he's communicating with his wife and what
17 does she do? She passes the phone to her father, the
18 defendant's father-in-law and they want to talk about work,
19 which is bringing drugs to the United States. And as soon
20 as Emma's father takes the phone, Emma's father says he has
21 a good spot to cross at the border and a flight packed with
22 drugs is ready to go from his ranch.

23 What do you see in the next message? The
24 defendant gives him a warning, don't use radios, use black,
25 just black, otherwise don't drop even one kilo because

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1 everything will drop. What does that mean?

2 Well, when the defendant's explains in the
3 next call he says, don't say anything to anybody so that
4 border patrol will chase some other people. They are
5 listening to all the radios. Be discrete, because nobody is
6 using black. Friends from Mexico sent word saying that
7 working with radios is dangerous because the border patrol
8 listens to everything.

9 So what is the defendant saying here? He's
10 basically saying if you're using a radio on the border to
11 cross your drugs into the United States, your drugs will get
12 seized. Now the defendant doesn't care about that, because
13 he is using blacks, which you know is a code word -- another
14 word for Blackberry. It's another system he was using. So
15 he thought his communications were safer, so use those
16 communications. If other people wanted to use radios, let
17 the border patrol seize other people's drugs. His drugs
18 would be safe and he knows this because his friends from
19 Mexico, which are his corrupt contacts in the Government are
20 telling him this is exactly what's happening. This is the
21 defendant running his empire.

22 And once they figure out the logistics of it,
23 the defendant asks his father-in-law, does his father-in-law
24 have anyone in the United States to buy his drugs. He says,
25 Do you have people ready to pick up on the other side? When

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1 his father-in-law says no, well the defendant is happy to
2 solve that problem. All right. Once they are there, I'll
3 have friends that will buy. I'll refer you to somebody. So
4 the defendant's willing to help his father-in-law out and
5 bring drugs to the United States and then have them
6 distributed here.

7 Now, where did the defendant get the drugs to
8 sell in the United States? You saw and heard about the
9 defendant buying the drugs all over the world. You heard
10 testimony from many, many cooperating witnesses about the
11 defendant buying cocaine, heroin, methamphetamine, marijuana
12 directly from the sources from all over the world.
13 Sometimes he handled the negotiations directly and sometimes
14 he let other workers handle it on his behalf, but he was
15 always in control. And as you heard Jorge Cifuentes tell
16 you, he was skilled at negotiating the best deal for his
17 illegal product.

18 So let's look at what some of these people
19 said. Miguel Martinez told you that the defendant started
20 sending his workers around the world to purchase drugs in
21 the late 1980s. For example, he told you that he, Miguel,
22 traveled to Colombia for the defendant to purchase cocaine
23 and marijuana. Miguel also told you that the cartel got
24 marijuana from ranches throughout Mexico and he even went to
25 Thailand to get heroin for the defendant. And Miguel told

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1 you that all of these drugs ended up in the United States.

2 And who did the Miguel tell you was one the
3 suppliers for the defendant's cocaine? Chupeta. And
4 Chupeta testified to the same thing. He sent tons and tons
5 of cocaine to the defendant beginning in the early 1990s
6 until 2007 and this cocaine came to the United States.

7 Jorge and Alex Cifuentes told you about the
8 cocaine shipments that the defendant organized in Ecuador
9 and Colombia up until 2010. Alex also testified that the
10 defendant directed him to get methamphetamine from China and
11 Mexico, and the defendant obtained opium gum for heroin in
12 Mexico.

13 Memin told you that he actually flew the
14 planes filled with cocaine from Ecuador and Colombia to
15 Mexico and at the defendant's direction and that he also
16 flew planes filled with marijuana from the mountains of
17 Mexico for the defendant. And you know the witnesses, these
18 cooperating witnesses are telling you the truth because you
19 heard the same thing from the defendant's own mouth.

20 Let's look at text messages between the
21 defendant and Fiera or Augustina. She is telling the
22 defendant that she has a friend that has 700 in Belize
23 that's between 95 and 97 percent purity. What is she
24 talking about there? There's someone in Belize that has 700
25 kilograms of cocaine of optimum purity, 95 to 97 percent.

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1 The defendant agrees. He says, That's fine, have them give
2 you a number for pick up tomorrow, love. But, apparently,
3 this contact takes a little bit too much time so the
4 defendant wants to know what's going on. What does Fiera
5 tell her contact? Business has to be quick, tell her that
6 the boss gets anxious. What's the Spanish word that she
7 uses for boss, it's highlighted on the right side, it says
8 "patron". So here's an example where Fiera, despite her
9 relationship with the defendant, knows he's the boss, he's
10 the "patron."

11 Shipping drugs: Planes, trains, cars, boats,
12 submarines, and more. You heard from the cooperating
13 witnesses that the defendant used all of these methods and
14 more to transport his drugs from country to country on the
15 way to the United States. As you heard, it was his skill
16 coming up with new and different ways to ship his drugs that
17 kept him at the top of the cartel. And you know they're
18 telling you the truth because you heard from the defendant's
19 own words.

20 Now let's start with a phone call between the
21 defendant and someone who we're able to identify as Tono,
22 the person from the Dominican Republic. What did Alex
23 Cifuentes tell you about Tono? Well, according to Alex,
24 Tono is someone who sold cocaine and heroin in New York for
25 the defendant and Alex Cifuentes. Alex also told you the

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1 defendant had a plan to use Tono to set up a landing strip
2 in the Dominican Republic. And you heard this plan in a
3 call between the defendant and Tono. We're going to play a
4 part of that clip now.

5 (Audiotape played.)

6 (Audiotape stopped.)

7 MS. GOLDBARG: We're going to play another clip
8 from the same call.

9 (Audiotape played.)

10 (Audiotape stopped.)

11 MS. GOLDBARG: Let's talk about that call.

12 Now, the defendant says that they want help
13 to find a little place for the furniture. Now Alex
14 Cifuentes testified that the defendant's reference to
15 furniture is a plane. So the defendant's trying to find a
16 place to land a plane. And the reason he was doing so was
17 so that he could move more drugs there, from where the drugs
18 were coming from; Loco. Alex testified that "Loco" was a
19 code word that the defendant would use to discuss Venezuela
20 because of the then-President Hugo Chavez. And Damaso Lopez
21 also testified that the defendant's code word for Venezuela
22 was Loco because of the former President Hugo Chavez.

23 And in this call the defendant and Tono are
24 discussing a plan about Panchito's involvement. Panchito,
25 that's a code word, that's a name that Alex Cifuentes uses.

Summations - Ms. Goldberg

6546

(Continued on the next page.)

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Summation - Ms. Goldberg

6547

1 MS. GOLDBARG: And this is how you know that when
2 Alex Cifuentes is telling you what's going on in this drug
3 deal you know it's true because you hear two other people
4 talking about him in the same way he described.

5 Later in the call, what does the defendant ask?
6 Does he bring things from Panchito's land? Well, where is
7 Panchito from? Alex Cifuentes is from Colombia, and what do
8 they make in Colombia? Cocaine. So the defendant is asking
9 this Dominican supplier whether or not he has a connection to
10 bring cocaine. And what does Tono respond? Yes. He has
11 total control.

12 You don't hear the defendant just asking about
13 airstrips. You also heard him speaking about boats with
14 someone by the name of Cuate, and Alex Cifuentes told you that
15 Cuate is one of the people that worked for the defendant with
16 transportation, especially with boats. Now, I'm just going to
17 play the transcript -- I'm just going to show you the
18 transcript of the call, and the defendant says: *And do the*
19 *yachts have stash boxes?*

20 And the Spanish word for that is *clavo*. And how
21 many witnesses did you hear on the stand that told you that
22 *clavo* means a secret hidden compartment, compartments that
23 they use to hide drugs? Many of them.

24 And when Cuate says that they do, the defendant
25 later asks: *How much did you set it up for? For how much?*

Summation - Ms. Goldberg

6548

1 Then Cuate responds: *Like, for 1.2, 1.3.*

2 Well, what is the defendant asking there? The
3 defendant is asking Cuate if, in one of these yachts, he
4 had -- he'd built a secret compartment so that the defendant
5 can put 1.3 or 1.2 tons of drugs in there, one of the ways
6 that he would use to smuggle drugs.

7 You also saw translated excerpts from the
8 defendant's ledger seized in Los Cabos, and in these ledgers,
9 you saw him setting up drug shipments by boats and planes and
10 trailers. He's also setting up warehouses to receive drugs
11 right in the United States, including San Diego and
12 Los Angeles, because that's what he does.

13 Now, how did the defendant protect all of his drugs
14 in his empire? Well, one of the ways was to protect his
15 communications using a secure system. You heard from many
16 witnesses about the defendant's obsession with secure
17 communications. Miguel was the first one who testified about
18 this. He told you that as far back as the late 1980s, early
19 1990's, the defendant wanted the newest technology to protect
20 the cartel's communication. He wanted to be an expert in
21 communications. So the defendant purchased scramblers and
22 cloned phones to make sure that the authorities couldn't
23 listen into the cartel conversation. Martinez also told you
24 that, in the late '80s and early '90s, the defendant hired
25 engineers to make sure the defendant had the latest

Summation - Ms. Goldberg

6549

1 technology.

2 And in addition to secure communications, Miguel
3 told you, even back then in the early days, the defendant had
4 a passion for collecting information. So what did he do? He
5 wiretapped his friends, his enemies, and his girlfriends.

6 So this is what he's doing in the early 1980s and
7 1990s. Where did you hear that? You also heard that from the
8 defendant's engineer that he hired 15 years later. After
9 Miguel is no longer working for the cartel, the defendant
10 hires Christian Rodriguez to do the exact same thing a decade
11 later.

12 Now, Christian Rodriguez testified that the
13 defendant was still obsessed with communications all these
14 years later. The defendant hired Christian to build him a
15 sophisticated communication system for these encrypted phone
16 calls, or these extensions that we know that they're called,
17 and text messages. And Jorge and Alex Cifuentes also
18 testified that it was Christian Rodriguez -- because they
19 introduced him -- who set this system up for the defendant,
20 and the system that Christian designed had up to 100 cartel
21 members in it -- and remember, these were the extensions. And
22 eventually, Christian and both Alex Cifuentes testified that
23 the defendant eventually narrowed this down because he only
24 wanted his close associates and family members to have these
25 extensions. In fact, Alex Cifuentes, Jorge Cifuentes, and

Summation - Ms. Goldberg

6550

1 Damaso Lopez, as well as Christian, testified that they used
2 these extension systems that Christian had set up.

3 You also know that Christian set up a spyware system
4 that allowed the defendant to monitor, again, his close
5 associates, his wives, and his girlfriends. And you also know
6 that Christian ultimately turned all of these communications
7 over to the FBI, which is why you were able to see and hear
8 all of these calls that were presented in evidence at this
9 trial.

10 You also heard from Alex Cifuentes and Damaso Lopez
11 and Memin, the pilot, that after the defendant learned that
12 Christian was cooperating, the defendant then switched
13 systems, and that's when he used this complex Ofis, the
14 O-F-I-S system, that filtered text messages through many
15 layers of people in the cartel.

16 And how else do you know about the defendant using
17 secure communications? Not just from what the cooperating
18 witnesses told you, but from his own words.

19 So let's listen to one of those calls.

20 (Audio played.)

21 (Audio paused.)

22 MS. GOLDBARG: I'm going to play another clip from
23 the same call, and then we'll review it.

24 (Audio played.)

25 (Audio paused.)

Summation - Ms. Goldberg

6551

1 MS. GOLDBARG: Let's go to that call.

2 Now, who is talking in this conversation? It's the
3 defendant talking to M-10. And he said to Zambada, and Damaso
4 told you that M-10 was a worker for the defendant in Juarez.

5 Now, in this call, the first thing that happens is
6 that M-10 asks whether or not he can get one of these phones.
7 What does the defendant respond?

8 *Yeah, he already told me. It's just that these*
9 *telephones over there by -- I -- they are encrypted for the*
10 *voice and not for -- if this telephone ends up in the*
11 *Government's hands, well, since they have a chip, they're*
12 *TelCel -- they have a chip. This -- this safety is just for*
13 *the voice since they have mine recorded. Be careful. The*
14 *gringos aren't looking for you.*

15 That's what the defendant is saying. So what does
16 that mean? The defendant had explained his encrypted system
17 to M-10. He's saying that this system is encrypted for the
18 voice because the Government already has his voice recorded
19 and that the gringos are looking for the defendant, not for
20 M-10. And remember what Christian Rodriguez testified; he
21 listened to this call as well, and the question was whether or
22 not the defendant accurately described the system that
23 Christian set up for him and he said yes.

24 The defendant knows that the encrypted systems will
25 protect him. That's what he thinks.

Summation - Ms. Goldberg

6552

1 And what else does he say? When M-10 asked him
2 again for another call, for another one of these phones, the
3 defendant is hesitant and he says: *It's just that I only use*
4 *these extensions for my family and the technicians and other*
5 *certain people.*

6 And that's exactly what Corey Cifuentes and what
7 Christian Rodriguez testified to; that at some point in time,
8 the defendant decided to reduce the number of people that had
9 access to his communication system.

10 And you also saw the lengths to which the defendant
11 would protect his communications by setting up different
12 filter systems to talk to lower level workers, and his calls
13 with Agustina is an example of that filter system.

14 And again, the Ofis structure, it's a more complex
15 and a broader system. Look at this. This is what they
16 testified to of how someone within the field would try to
17 communicate all the various different levels you have to go
18 through to get to communicate with the defendant. It took a
19 concerted effort from the entire organization to shield the
20 defendant's communications from detection while he was running
21 the cartel. And why is he the one that's so insulated from
22 law enforcement? Because he is one of the top bosses.

23 How else did the defendant protect the cartel?
24 Through rise by corruption of the Mexican government. And why
25 is corruption important? If the cops are doing their jobs,

Summation - Ms. Goldberg

6553

1 then the drugs will get seized and the bad guys will get
2 arrested, so the defendant paid them to not do their job. But
3 it went a step even further than that. They were paid to do
4 the cartel's jobs. The police transported drugs for them,
5 escorted the drugs, made sure the drugs were protected, they
6 were provided information about law enforcement officials who
7 were actually doing their job, and this was all to make sure
8 that the cartel would be warned if there was a capture
9 operation like what happened in Los Cabos and Culiacan so that
10 the cartel members could avoid being arrested.

11 And you heard this from Rey Zambada and Miguel
12 Martinez and Vicente Zambada and Alex Cifuentes and Damaso.
13 And you know that the defendant was involved in corruption
14 because you heard it from his own mouth.

15 Now, before we play another call, I want to explain
16 and discuss what the term *Yanqui* means in a cartel.

17 Rey Vicente Zambada told you that a Yanqui is a
18 commander from a federal judicial police in charge of a state
19 in Mexico. So he's a top police official in a state, and the
20 cartel would pay the Yanqui \$50,000 a month in bribes to
21 protect the drugs. Vicente told you that he, Vicente, would
22 go with his father, Mayo Zambada, to meet with the Yanquis
23 personally, and Mayo Zambada would tell the Yanqui, the top
24 police commander, that the bribe that they were paying was
25 coming from Mayo Zambada and the defendant, an example of the

Summation - Ms. Goldbarg

6554

1 50/50 partnership that they had. And you know that Vicente is
2 telling you the truth because you heard it in a call between
3 M-10 and the defendant, and we are just going to review the
4 transcript on this one.

5 M-10 tells him: *But he called them and he told*
6 *them, listen, I'm calling on behalf of Chapo and on behalf of*
7 *Mayo.*

8 M-10 is discussing that he's calling the police
9 commander and letting him know that he's coming from Chapo and
10 Mayo. And why those two people? Because those are the two
11 people in charge.

12 And then what does the defendant tell M-10 about the
13 commanding officers?

14 *My friend, he has gone and met every commanding*
15 *officer that arrives there. And for me, I don't go to see*
16 *them. I send someone to see them because I'm always up here.*

17 Well, what is the defendant saying in this part of
18 the call? He saying that his compadre, his friend, Mayo, is
19 the one who meets with the commanders, and that's exactly what
20 Vicente testified to. And the defendant also explains that
21 the reason he doesn't go is because he's always up there,
22 which you know at this time the defendant is hiding in the
23 mountains of Culiacan. But he didn't always send Mayo.
24 Sometimes he had his own direct dealers. And you heard all
25 those calls between the defendant and one of his workers,

Summation - Ms. Goldberg

6555

1 Gato, and that they actually eventually ended up putting on
2 the Yanqui on the call.

3 So the first part of the call, the defendant asked
4 Gato, his worker, is he receiving the monthly payment? He's
5 asking whether or not the police officer is getting his
6 monthly bribe. And Gato then asked the defendant to get
7 involved to make sure that the Yanqui didn't move cops out of
8 the cartel's payroll. Gato was concerned that this new
9 Yanqui, this new regional police officer -- director was going
10 to move them, so he went to his boss, the defendant, and asked
11 him to intervene.

12 Again, what's the first thing the defendant wants to
13 know? Is he getting paid? Remember that Vicente testified
14 that they were getting about \$50,000 a month. So now that the
15 defendant knows that, yes, they are on his payroll, what did
16 he do? Well, he agrees -- the defendant agrees to get on the
17 phone and handle this problem himself.

18 So let's listen to that part of the call.

19 (Audio played.)

20 (Audio paused.)

21 MS. GOLDBARG: So let's look at a few highlights
22 from this phone call between the defendant and the Yanqui, the
23 police commander.

24 The defendant says: *Nice to talk through these*
25 *means. And this man that is there -- which means Gato -- is*

Summation - Ms. Goldberg

6556

1 *from the company. And "the company" you know is a word that*
2 *he uses to describe the cartel.*

3 *And I ask that you take care of him. I ask you to*
4 *look out after him.*

5 *Well, whatever we can do for you, you can count on*
6 *it.*

7 So here the defendant is saying that he wants to
8 make sure that this police commander is going to protect his
9 representative in the area, and in exchange, the cartel would
10 return the favor: Whatever we can do for you.

11 So what is the defendant asking in exchange for his
12 monthly bribe? Well, what did he tell the defendant? I'm
13 sorry. What did he tell the Yanqui? He's asking for a
14 special favor: *Here at the company, there are some young men*
15 *of yours that have done a really good job over here. I'm*
16 *going to ask you for a favor. The guy that is there with us*
17 *knows that they are -- knows who they are, that you don't*
18 *change the ones that are there. They know all the company*
19 *activities.*

20 So what is the defendant saying here? He's saying
21 that there are young police officers that are already working
22 with the cartel, that already know the cartel's business, and
23 the defendant doesn't want them moved because his interests
24 are protected. The defendant wanted them to stay in place.
25 So the defendant is saying that the police that he has in this

Summation - Ms. Goldberg

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1 bureau, he wants them to stay in place. The defendant is the
2 one that's calling the shots here, because what does the
3 Yanqui respond? *Certainly. Of course. Count on me.* No
4 resistance. Nothing. Just yes, sir.

5 And what does the defendant say? *I will come and*
6 *greet you personally. Be well.*

7 Where else have you seen the defendant or other
8 people talk about the term "*empresa*," or company? Alex
9 Cifuentes, Lucero Lopez, and Damaso Lopez. That's what the
10 defendant called the cartel. He called it a company, an
11 enterprise, and that's how he treated it.

12 And you also know that the defendant called it
13 *la empresa* because you have the letter the defendant wrote to
14 his top lieutenant, Damaso Lopez, where he says right there,
15 *la empresa*, which translates to "the company." That's how he
16 treated his cartel.

17 So how else did the defendant run his cartel?
18 Violence, kidnapping, torture, murder. And we will talk about
19 this more when we get to the murder conspiracy, but what was
20 violence used for in the cartel? Many things. Taking over
21 territory, interrogating rivals for information, killing
22 rivals, starting wars, routing out insiders who were
23 cooperating against the defendant, punishing those that the
24 defendant suspected of stealing from him, or anyone who would
25 disobey or failed to follow his orders. It didn't matter who

Summation - Ms. Goldberg

6558

1 it was. The defendant gave the orders and they were carried
2 out, and he had a group of henchmen, hundreds involved, to
3 carry out these orders.

4 Witnesses including Vicente Zambada, Miguel
5 Martinez, Rey Zambada, Alex Cifuentes, Damaso Lopez, Isaias
6 Valdez, Lucero Lopez, they told you about the numerous acts of
7 violence committed by the defendant. And you know that they
8 were telling you the truth because you heard the same thing
9 from the defendant's own mouth.

10 Let's start with Cholo Ivan. Who was Cholo Ivan?
11 Vicente Zambada, Damaso Lopez, and Memin -- Isaias Valdez --
12 testified that Cholo was one of the sicarios for the
13 defendant. He was part of the defendant's security team and
14 that Cholo Ivan had somewhere between 25 and 30 men working
15 for him, for Cholo Ivan. And you heard those series of calls
16 where defendant told Ivan at trial where the defendant's
17 message is clear: Try corruption first, and if that fails,
18 then use violence. Protect the cartel territory at all cost.

19 Let's listen to just a couple of those calls.

20 (Audio played.)

21 (Audio paused.)

22 MS. GOLDBARG: I'm going to play another quick call.

23 (Audio played.)

24 (Audio paused.)

25 MS. GOLDBARG: Let's talk about those calls.

Summation - Ms. Goldberg

6559

1 So what is the defendant telling this henchman,
2 Cholo Ivan? If they set up or pick up a friend and kill them,
3 there are a lot of friends there.

4 So the defendant is asking who is getting picked up
5 in the area that Cholo controls, and Cholo gets confused and
6 he says: *Well, sometimes things -- that's what happens.*

7 Well, what is the defendant saying here? The
8 defendant is the boss. He's calling the shots. He's the one
9 that's assigning who lives and who dies. He defines -- he
10 reminds Cholo not to kill people without checking in with him
11 first because they might be killing a friend. Again, Cholo
12 responds that we agree to abduct or pick people up first and
13 ask questions later and this could cause problems. And the
14 defendant says: *Well, on the topic, don't shoot whoever sells*
15 *cocaine.*

16 His instructions are clear. He is making the
17 decision of who should be killed and who shouldn't.

18 And in another conversation, Cholo is telling the
19 defendant that there was -- *over there in Guasavito, last*
20 *night, those guys, I gave those damn bastards a good spray*
21 *because those fuckers showed up and killed one of my police.*

22 So what is Cholo saying? He's saying that there was
23 a confrontation in Guasave and he was upset because they
24 killed one of his police officers. A good spray of bullets.
25 And then he also says that he would be willing to die before

Summation - Ms. Goldberg

6560

1 running, so that's a level of commitment from Cholo.

2 And then what else did Cholo say? He says: *We*
3 *chase them all the way to Guasavito. We went there last night*
4 *from Burrion, they ran further up.*

5 So here Cholo Ivan is providing an update to his
6 boss about battles that he's having to control territory. And
7 the defendant didn't just leave it up to his hit men to
8 protect his territory; he wasn't afraid to get his hands
9 dirty. You know that from Memin's testimony about the three
10 rival cartel members that the defendant personally shot and
11 killed. You also know from the video of the defendant
12 interrogating a member of the Beltran Leyva Cartel in 2001,
13 around the same time that he's already ordered Cholo Ivan into
14 Guasave to attack the Beltran Leyva's.

15 Let's look at this clip.

16 (Video played.)

17 (Video paused.)

18 MS. GOLDBARG: You not only saw this video, but you
19 heard about it from Alex Cifuentes and Damaso Lopez. I think
20 I misspoke. This video was 2011.

21 They both testified that it was the defendant in the
22 video, and they told you more. Alex told you that he
23 recognized the ranch in the video because Alex had been there
24 before. And what did Damaso tell you about it? Damaso told
25 you that that was his ranch and that Damaso had loaned that

Summation - Ms. Goldberg

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1 ranch to the defendant in that video. Damaso also knew that
2 the defendant interrogated a member of the Beltran Leyva
3 organization. And notice the defendant's demeanor in that
4 video. Who is asking the questions? Who is running the
5 interrogation? Who is sitting there with his leg up, leaning
6 back, interrogating someone while someone else is hog-tied and
7 handcuffed on the pole? A boss is. He was in charge.

8 THE COURT: Ms. Goldberg?

9 MS. GOLDBARG: Yes, your Honor.

10 THE COURT: At a convenient point.

11 MS. GOLDBARG: Give me two -- maybe a couple
12 minutes.

13 THE COURT: Okay.

14 MS. GOLDBARG: Thank you.

15 So this is how the defendant ran his cartel; selling
16 drugs, shipping drugs, buying drugs, use of secure
17 communications, corruption and violence. This is how he built
18 his empire and protected it. These were the tools of his
19 illegal trade and to help him make immense profits.

20 I'm about to go into the next section, so this will
21 be a good time, your Honor.

22 THE COURT: Okay. We are going to try to take a
23 little shorter break than usual, ladies and gentlemen. This
24 is just for convenience. Try for ten minutes, okay?

25 And please remember not to talk about the case yet.

Summation - Ms. Goldberg

6562

1 We will be back here at 11:40.

2 (Jury exits.)

3 THE COURT: Okay. Ten-minute recess.

4 (A recess in the proceedings was taken.)

5 (Continued on the following page.)

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Summation - Ms. Goldberg

6563

1 (In open court; 11:33 a.m.)

2 (Defendant enters the courtroom at 11:46 a.m.)

3 COURTROOM DEPUTY: All rise.

4 THE COURT: Please bring in the jury.

5 Ms. Goldberg, pick a between when you want to break
6 for lunch anywhere between 12:30 and 1:15. So I won't
7 interrupt you unless you want me to interrupt you.

8 MS. GOLDBARG: If I'm getting closer to 1:10 and I
9 haven't stopped.

10 THE COURT: That's fine.

11 MS. GOLDBARG: Thank you.

12 THE COURT: I'll give you a 1:00 o'clock reminder if
13 you haven't stopped.

14 MS. GOLDBARG: Thank you.

15 COURTROOM DEPUTY: Jury entering.

16 (Jury enters courtroom at 11:47 a.m.)

17 THE COURT: Everyone be seated. Please continue,
18 Ms. Goldberg.

19 MS. GOLDBARG: Thank you, your Honor.

20 Now, before we move on from Elements 3 and 4, I
21 expect defense counsel to stand up here after I'm done and
22 argue that it's not the defendant on these recordings. You
23 didn't hear his voice, you didn't see his text messages, those
24 weren't his ledgers, and those weren't his letters. It's
25 somebody else, it's not him.

Summation - Ms. Goldberg

6564

1 So let's walk through some of the concrete evidence
2 that proves that these are the defendant's text messages,
3 ledgers, letters, and his voice.

4 Now, we're going to start by talking about the
5 defendant's text messages captured on Flexispy. Now,
6 remember, the FBI got the defendant's IT guy, Cristian
7 Rodriguez, to work for them. Rodriguez got up on that witness
8 stand and he told you that he gave FBI agents the password to
9 the spyware accounts. Using those passwords, the FBI was able
10 to get the defendant's text messages to his wife, Emma
11 Coronel, to Augustina Caballinas, and Lucero Sanchez among
12 other people. And just as spoke about earlier, you saw the
13 defendant using the screen name "J" to direct his workers to
14 commit crimes via text.

15 Now, how do you know it's the defendant on these
16 text message? Well, there are many ways.

17 First, Lucero Sanchez and Cristian Rodriguez both
18 testified that the defendant used the screen name "J." Lucero
19 didn't know that the defendant was spying on her at the time,
20 but she testified that the messages captured by the FBI
21 between "M" and "J" were between her using the screen name
22 "M" and the defendant using the screen name "J." And she told
23 you that she spoke to the defendant in person about the same
24 marijuana loads that she's texted with him about. So there's
25 no doubt that she was texting with the defendant in those

Summation - Ms. Goldberg

6565

1 communications.

2 Second, you saw text messages between the defendant
3 and his wife, Emma Coronel, in which she refers to the
4 defendant by his name, Don Joaquin or Mr. Joaquin. You see
5 those highlighted on the screen in front of you. You also saw
6 repeated messages to and from the defendant about his personal
7 pilot who has the unique name of Cachimba. Lucero Lopez, I'm
8 sorry, Lucero Sanchez, Damaso Lopez, they all testified that
9 Cachimba was one of the defendant's personal pilots. Here you
10 can see communications between them highlighter and talking
11 about Cachimba. And the defendant also wrote about Cachimba
12 in the letter that he sent to Damaso. And, again, here you
13 can see the name Cachimba highlighted several times.

14 Fourth. You know it's the defendant because "J,"
15 I'm sorry, you know the defendant is "J" because of the
16 messages the defendant sent about the raid on his mansion in
17 Cabo San Lucas, Mexico on February 22, 2012. FBI
18 Special Agent Moreno told you that he was with the Mexican
19 police officers when they launched a raid at this residence at
20 3:00 o'clock in the afternoon in an attempt to capture the
21 defendant. Remember that the Mexican police took their time
22 getting to the house and they neglected to cover the back
23 door. And remember Special Agent Moreno said that was not the
24 normal practice.

25 When the police arrived, they arrested three people.

Summation - Ms. Goldberg

6566

1 Angel Jorge Lopez Julias. Maria Luisa Macias, and Augustina.
2 The defendant was gone but he left behind personal belongings
3 such as his clothing and his toiletries and a treasure trove
4 of evidence against him which we're going to talk about.

5 Now, the defendant texted his wife, Emma Coronel, it
6 showed you the flipside of what Special Agent Moreno testified
7 about. And the defendant narrated his escape during the raid
8 to his wife highlighted in this message between 2:40 and
9 2:54 p.m. the defendant and Emma Coronel were having a typical
10 conversation for them discussing whether or not someone had
11 recently killed in the area and whether that person worked for
12 the defendant.

13 At 2:54, at the time of the raid, there was a break
14 in the text messages and that's when the raid happened. The
15 next text message the defendant sent was at 6:22 p.m. and he's
16 telling Emma, his wife, that he was, "On the road," meaning,
17 he was on the run. The defendant then told her that he needed
18 new personal belongings. He needed clothes, sweats,
19 underwear, five shirts, shampoo, aftershave lotion, because he
20 had to rush out at 3:00 o'clock in the afternoon and what was
21 happening at the house at 3:00 o'clock in the afternoon, the
22 police were raiding it.

23 And the conversation continued. In highlighting on
24 the slide, the defendant said that he'd been a little bit
25 scratched up because of the escape, but that he was otherwise

Summation - Ms. Goldberg

6567

1 fine. Now, Emma suggested that the defendant should use his
2 personal pilot Cachimba to help him flee from the authorities
3 and the defendant told Emma that he had left behind Mari and
4 Angel, his workers at the house but that he was arranging to
5 have an attorney for them. And we know that those workers
6 were detained as a result of the raid because he heard that
7 from Special Agent Moreno.

8 And finally, how does he describe it? He says, "It
9 all happened very fast and Condor and my equipment was left
10 behind." Why? "Because I saw them pounding on the door next
11 door and he was able to jump out." What was it that the
12 defendant left behind at the house? These are the three
13 people to Maria Luisa, Augustina, Angel, and Jorge. The same
14 people Special Agent Moreno testified were detained at the
15 house.

16 We also know that he left more things behind. He
17 left behind long guns, grenades, night vision goggles, and
18 magazines loaded with ammunition. He also left behind what
19 appears to be bags of methamphetamine, many phones and
20 computers, and critically, his ledgers. Ledgers that
21 contained detailed information about his drug empire and the
22 phonebooks he used for his encrypted phone system, the same
23 phone system that the FBI had cracked with the help of
24 Mr. Rodriguez.

25 In this slide, what other information does the

Summation - Ms. Goldberg

6568

1 defendant provide to Emma. He says he wants two pair of black
2 sneakers and pants, 32 by 30. The color of the shoes, they're
3 black. Now, during the trial there was a lot of talk about
4 these small, little details about the size of his shoe or the
5 size of his pants, but let me explain to you why it's
6 important.

7 At the raid, after the raid Special Agent Moreno, he
8 showed you the video of the house and he showed you things
9 that were left behind including black sneakers, and pants that
10 were 32 by 30. And as the defendant fled that day, he left
11 behind his belongings and that's what he told his wife and he
12 needed her to get her -- get him new clothing including two
13 pair of black sneakers and new pants, 32 by 30. The same size
14 that were found in the house in Cabo.

15 Now, separately, Alex Cifuentes and Lucero Sanchez,
16 they both testified about living with the defendant, they knew
17 his clothing size. And Alex told you that the defendant had a
18 32-inch waist. And Lucero also told you that she was would
19 actually buy black sneakers for the defendant, and she would
20 buy pants that were 32 by 30 but that she would have to tailor
21 them, shorten them.

22 So they told you that the defendant wore the same
23 size of the shoe and pant that was found at the house and the
24 same size that the defendant asked Emma to get for him in the
25 text messages after the raid. These little details match up

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1 because it was the defendant that was at that house in
2 Los Cabos when it was raided and it was the defendant started
3 sending text messages using the screen name "J."

4 You also saw the text messages between Augustina and
5 the defendant. In these text messages, using the screen name
6 Fiera. In these text messages, using the screen name Fiera
7 and he is using the screen name "J."

8 Now, how do you know that Fiera is speaking to the
9 defendant. Well, because there was a text message in which
10 she provided her full name over the intercepts when she was
11 trying to buy a plane ticket.

12 Now, let's turn to the ledgers that were found at
13 the house. Now, just remember as we talked about, the
14 defendant texted Emma and left behind equipment and fled the
15 house in Los Cabos. And, again, what equipment was he talking
16 about? Drugs, weapons, phones, computers, and again, his
17 ledgers and his phonebook. That's one of the ways that you
18 know that these ledgers belonged to him.

19 Another way that you know that these are the
20 defendant's ledgers is that the defendant has names of his
21 close associates and family members in them.

22 So let's start with some of these entries. And you
23 heard the testimony of Special Agent Moreno and the FBI
24 forensic examiner Corradetti.

25 Now, Alex Cifuentes testified that when he was the

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1 secretary for the defendant, the defendant's secretary's jobs
2 was to keep notebooks when they would write down all the
3 messages and to-do lists that the defendant would dictate to
4 him. And here are some of the examples of what you see in the
5 book. You see a message directed to Charly about setting up
6 an antenna for communications.

7 Now, remember Charly, he's one the IT guys that
8 worked for the defendant and also had some interaction with
9 Cristian. You see a message to Cachimba about going to pick
10 up somebody by the name of Chure. You saw these same names in
11 the defendant's text messages that you heard from Cachimba,
12 from the pilot. You heard about Charly from Cristian
13 Rodriguez. There's also this message to Panchito.

14 And you know both from Alex and Jorge Cifuentes as
15 well as Damaso Lopez and even Menin testified that Panchito
16 was Alex Cifuentes. In this message the defendant asked Alex,
17 "what is going on with Misterios? The week's over, so what
18 are we going to do. I'm going to send Chavalo who is in Cali
19 to Ecuador."

20 Alex testified that there was a cocaine deal that he
21 was doing with the defendant with someone by the name
22 Misterios to purchase cocaine in Ecuador. You saw Alex's
23 testimony to Misterios from September 2011, about a month
24 before the dates of these ledgers. And in those messages,
25 Alex is specifically telling Misterios that there's a drug

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1 deal and that it would be with me and with Chapo. And in
2 these ledgers, which Alex has never seen before, there's a
3 clear reference to the exact same drug deal. But the entries
4 about the defendant's associates go on, there are more.

5 There's a reference to Cholo and giving him a green light.
6 We've already talked about Cholo and we know he is one of the
7 defendant's employees. And he is one of the plaza bosses.
8 The other person that the defendant was talking about beating
9 people up and paying police officers and killing the right
10 people.

11 There's a reference to Compadre Cocina and you know
12 from Vicente Zambada and Damaso Lopez that Cocina is the
13 defendant's reference to Mayo Zambada, the defendant's
14 partner.

15 You also see a payment to Condor and you now that
16 Condor is the defendant's personal secretary. And even if
17 these entries aren't sufficiently clear, you have more. This
18 is the phonebook with the extensions. It's a who's who of who
19 is in the cartel. And you heard testimony connecting nearly
20 every single highlighted person on this list to the defendant
21 and we're just going to look at a few examples here.

22 So, to begin with, there are extensions for three
23 people who testified in this trial. Extension 102 is listed
24 as belonging to Lucero Sanchez and she testified before you.
25 Extension 125 is listed as Felicardo.

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1 And you heard from Damaso Lopez, Alex Cifuentes, and
2 Vicente Zambada that Felicardo is a code name for Damaso. And
3 you also see that there's extension 777 which is the code name
4 for Panchito.

5 And we know that Panchito is Alex because you heard
6 that both from Alex, Damaso Lopez, and Jorge Cifuentes.
7 They're also the extensions of the defendant's closest
8 associates and workers.

9 For example, Extension 137 belongs to Virgo. We're
10 going to talk about him, but about Virgo also goes by the name
11 Guacho and that's the defendant's cousin and was one of his
12 top lieutenants until numerous witnesses told you that the
13 defendant had him killed. Extension 150 is Cocina. Again, we
14 know that that's Mayo Zambada. Extension 725 is Cachimba,
15 defendant's pilot. We talked about him as well. And as well
16 there's reference to Cachimba in the text messages between
17 Emma, Lucero, and Augustina.

18 And then there's extension 733 which goes by the
19 name, the memorable name, of Zsa Zsa Zsa. And Alex told you
20 that's a name for Benjamin. And Benjamin was a guy who was
21 monitoring the text messages over spyware. You heard that
22 from Alex Cifuentes and Cristian Rodriguez.

23 Right here in this list, ladies and gentlemen, you
24 have the core of the defendant's organizations. You also see
25 the defendant's family members listed here. Extension 129 is

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1 listed under Tocayo. And Damaso Lopez told you that this was
2 the defendant's son, Ivan. Extension 131 is listed as Mayo,
3 and Damaso Lopez and Vicente Zambada both told you that this
4 is the defendant's son Alfredo. And extension 132 is listed
5 as Brooky. Alex Cifuentes and Vicente Zambada told you this
6 is a reference to the defendant's wife, Griselda.

7 So this is a list of the defendant's closest family
8 members and associates. This phonebook along with all of the
9 evidence we've shown you about the Cabo raid proves that the
10 defendant fled the house from Los Cabos and this is what he
11 left behind. He left behind his ledgers and his phonebook.

12 In addition to that, Special Agent Morrison showed
13 you how the defendant's phonebook also matched up with the
14 encrypted phone system. Remember how he compared some of
15 these entries with the calls that were recovered from the
16 system.

17 For example let's start with Extension 137. In the
18 phonebook is listed as Virgo. And, again, we're going to
19 talking about him. You listen to the call between the
20 defendant and Extension 137. And in this call, when Virgo
21 answered *bueno*, hello, the defendant identifies who is
22 speaking. He said, yes, Virgo good afternoon. So the
23 defendant himself told you that Extension 137 belongs to
24 Virgo.

25 And then there's Extension 147. It's listed in the

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1 phonebook as Gordito. And listen to the call on this
2 extension. And that was a call between Gordito and Cristian
3 Rodriguez. And in that, Cristian Rodriguez identified
4 Gordito's phone and he said he was speaking to Adrian, another
5 name for the IT guy that worked for the defendant. That
6 matches the entry in this book.

7 Why is it important that the entries in the book
8 match up with the encrypted system? Well, let's put it
9 together with what we just talked about.

10 We know that the defendant was at a house in
11 Los Cabos just before it was raided on February 22, 2012. We
12 know the defendant left behind the phonebook. And we know
13 that this phonebook matches the defendant's encrypted system.

14 Together, this evidence shows that the defendant had
15 an encrypted system and was using it with his closest
16 associates and family members during and prior to the raid of
17 Los Cabos. This is independent evidence that proves what
18 Cristian Rodriguez, Alex and Jorge Cifuentes, and Damaso Lopez
19 told you about the defendant's use of an encrypted system.
20 And this is the same things that you see in the ledgers.

21 All right. So how do we know which recorded calls
22 the defendant was speaking on? Well, we're going do through a
23 couple ways the defendant's voice was identified on these
24 systems.

25 Now, seven cooperating witnesses independently

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1 identified the defendant's voice on the calls captured over
2 the defendant's encrypted system as well as other calls
3 captured from other sources. A call that was recovered, and
4 was received in evidence into evidence, from the Colombian
5 authorities after the judge in Colombian authorized that
6 wiretap. There was also a wiretap in the Dominican Republic
7 and you heard that call as well. And there were the two phone
8 calls from Pedro Flores.

9 Some of these cooperating witnesses don't even know
10 each other, and the ones that do haven't even each other in
11 years; yet, they all identified the same voices belonging to
12 the defendant.

13 Second, using the calls in which the defendant was
14 identified by name, the FBI determined which telephone number
15 or which extension the defendant was using to make the calls.

16 Cristian Rodriguez told you that the defendant used
17 several extensions including 121. The FBI confirmed this
18 extension, 121, was an extension in which the defendant was
19 referred to as Chapo.

20 This is a call on Extension 121 between the
21 defendant and Juan Guzman Rocha known as either Juancho or
22 Virgo. The same voice is captured on Extension 120. Another
23 extension in which the defendant is referred to as Joaquin.
24 And the same voice is captured on Extension 185. The
25 extension also captured that was also captured during the

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1 interrogation video. Remember that there was a part where the
2 hostage was being interrogated and someone had their
3 microphone on and you could hear an overlap in the two
4 conversations. This also proves that the defendant was using
5 Extensions 120, 121, and 185.

6 Third, you also know that this is the defendant's
7 voice Special Agent Marsden provided sworn testimony he
8 conducted a voice comparison of known samples of the
9 defendant's voice and determined that it was defendant's voice
10 on these calls.

11 And, ladies and gentlemen, when these calls are
12 played in court, you can hear it yourself. You could hear
13 that the defendant's calls matches these known samples. You
14 could hear the high pitch, the nasal undertone, and the
15 singsong nature of the defendant's voice that makes it so
16 distinctive.

17 Now, Special Agent Marsden told you, common sense
18 I'm sure also tells, that you the voices can sound different
19 at different times depending on a variety of factors. The
20 handwriting expert told you there's always a natural variation
21 in the way that you sound. But when you listen to the
22 different recordings on the defendant's voice, you can pick up
23 the same characteristics throughout all of the recordings.

24 So turning back to our CCE elements. The
25 intercepted texts and calls, the defendant's ledgers, the

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1 defendants letters, all of which mirror the testimony of the
2 cooperating witnesses prove beyond a reasonable doubt that the
3 defendant was a boss. This also demonstrates the way the
4 defendant ran his organization. Not only that, the Government
5 clearly proved that the defendant was a boss within the cartel
6 of five or more people. So Element 3 has been proven. And
7 Element 4.

8 As I said before, you heard the testimony of 11
9 witnesses who testified under oath that they worked for the
10 defendant. You also heard the defendant give extension
11 numbers to only his closest associates and workers and there
12 are at least five extensions there for Virgo and Damaso and
13 Alex Cifuentes, Cachimba and Benjamin. And, of course, you
14 heard from the dozens men who slept on the ground as part of
15 the defendant's security detail.

16 Now, we're about to get into the violations in Count
17 One. But before I do, let's talk about these cooperating
18 witnesses.

19 You heard testimony from 14 cooperating witnesses,
20 12 of whom had cooperation agreements with the Government.
21 Ladies and gentlemen, these witnesses were criminals. The
22 Government is not asking you to like them.

23 (Continued on the next page.)
24
25

1 MS. GOLDBARG: All we're asking you to do is to
2 determine whether their testimony is consistent with all of
3 the other evidence you saw and heard in this case. In doing
4 so, consider certain things.

5 Consider the witnesses' demeanor on the stand. Did
6 they testify in a forthright manner. Did their answers make
7 sense with all the other evidence that you've seen.

8 When you judge the credibility of a witness, and
9 that is your job, consider other independent evidence that
10 helps you determine the credibility. That comes from the
11 records and the documents and the physical evidence. It can
12 also come from comparing one witness's testimony to another
13 witness's testimony. When you do that, you'll find that
14 their testimony is corroborated. This matches up to the
15 recordings and text messages and the other evidence that was
16 presented to you.

17 That, ladies and gentlemen, is how you know that
18 the witnesses are testifying truthfully. Let's move on.

19 We're now going to discuss the violations in the
20 case. Having satisfied elements three and four we're going
21 to go to elements one and two.

22 Now, what does the Government have to prove in
23 elements one and two of Count One of the Continuing Criminal
24 Enterprise? The first element is, did the defendant commit
25 at least one felony violation of the federal narcotics law.

1 And two, was this offense part of a series of three or more
2 offenses committed by the defendant in violation of the
3 federal drug laws.

4 The question here is, did the defendant commit
5 three or more drug crimes? Did he aid and abet three or
6 more drug crimes or could he reasonably foresee three or
7 more drug crimes. I want to break that down for you.

8 First, what do I mean by aiding and abetting? The
9 Judge is going to instruct you on what is called aiding
10 abetting liability. It's a legal concept that means that a
11 person is responsible for a crime if they help in some way
12 with the commission of the crime. They don't have to do it
13 themselves with their own hands; in this case, that makes
14 sense. The defendant didn't fly planes, and he didn't steer
15 the ships, he wasn't the conductor of a train. But it was
16 his orders, his actions, the drugs were transported imported
17 and distributed as a result of his actions, as a result of
18 his orders. That's what aiding and abetting means, keep
19 that in mind what we review this evidence.

20 What does reasonable foreseeability mean? This
21 means that if the defendant was a member of the Sinaloa
22 Cartel he's responsible for any acts committed by the cartel
23 if those acts were reasonably foreseeable to the defendant.

24 So three or more drug crimes, in this case the
25 defendant is charged with 26 drug violations, they are all

1 felonies. But if you unanimously agree that the defendant
2 is guilty of three or more violations, then the defendant is
3 guilty of Count One of the CCE.

4 As part of these drug crimes, we also consider the
5 murder conspiracy, which is Violation 27, which we'll talk
6 about later. I suspect the Judge is going to instruct you,
7 you all must agree on which three violations you chose.
8 When you look at the verdict sheet you'll see a list of the
9 violations in Count One. Once you agree that we proved a
10 violation beyond a reasonable doubt, you can check proven.
11 I submit that the evidence overwhelmingly shows that the
12 defendant was responsible for each and every single one of
13 these violations.

14 Some of these drug crimes are charged in two ways.
15 One way is through the violation of the CCE; and here again,
16 27 total, I'm going to walk through those and group them
17 together. A few of violations are also charged in second
18 way, in a separate count. So if you find the defendant
19 guilty of a violation, you should also find him guilty of
20 the separate count. I'm going to identify those for you as
21 we go along.

22 Also ladies and gentlemen, keep in mind as I go
23 through the 26 drug violations, Violations 1 through 20
24 charge the international distribution of cocaine, which
25 distributing cocaine intending to be illegally brought into

1 the United States. Remaining Violations 21 through 26,
2 charge distribution of cocaine, heroin or marijuana in the
3 United States.

4 Let's start. The first violation that we're going
5 to talk about is Violation 26. This was a very first event
6 that you heard about in the trial way back in November. It
7 was a seizure of 926 kilograms of cocaine in Queen Creek,
8 Arizona on May 11, 1990. This is Violation 26.

9 After surveillance conducted by U.S. law
10 enforcement authorities recovered 926 kilograms of cocaine
11 from a warehouse, this drug seizure led to the discovery of
12 a drug smuggling tunnel that ran underneath the U.S./Mexico
13 border over 200 miles away in Douglas, Arizona. You know
14 that the defendant was responsible for this violation based
15 upon the evidence that we presented.

16 Let's start with the sworn testimony of Miguel
17 Martinez. Remember Miguel, he was the defendant's
18 right-hand man back in the early days. He testified about
19 traveling the world with the defendant, and told you about
20 the planes and ships filled with cocaine that they would
21 receive in Mexico. He explained the many ways that the
22 drugs would be crossed into the United States including
23 tunnels, train, and chili cans. He was also one of the
24 defendant's best friends until the defendant tried to kill
25 him four times, including one where they threw live grenades

1 while he was in a prison cell.

2 Miguel testified that from around 1987 to 1990
3 around 95 percent of the defendant's drugs crossed from
4 Mexico into the United States through Agua Prieta, Mexico.
5 You see on the map it's on the border, on the other side, on
6 the U.S. side, is Douglas, Arizona.

7 Miguel testified that the drugs coming from Agua
8 Prieta to the United States were transported through a drug
9 smuggling tunnel and from there shipped to Los Angeles,
10 California.

11 In 1990 Miguel is working in Mexico City, in the
12 office that was set up to run the defendant's drug
13 operations. Miguel testified that he had a conversation
14 with the defendant and the defendant told Miguel that a man
15 named Calderoni, a Chief of Police for the Mexico Attorney
16 General's Office, warned the defendant that the
17 United States and the Mexican authorities had found the
18 defendant's tunnels and they were going to do a joint
19 operation to seize and dismantle it. What did the defendant
20 do when he got this warning? He jumped on a plane, his jet,
21 and he removed the remaining cocaine from the Agua Prieta
22 warehouse.

23 Now while the defendant was successful in removing
24 that cocaine, his efforts were not a total success. Because
25 one when the defendant spoke to Miguel next, the defendant

1 informed him that the drugs -- that there were about 900 to
2 1,000 kilograms of cocaine had been seized in Tucson or
3 Phoenix. The defendant believed the seizure happened
4 because a pool table in Agua Prieta was left open by his
5 worker, a worker who he called, Licenciado Camarena.

6 In sworn testimony, Miguel told you that the pool
7 table which was placed on a concrete slab operated by
8 hydraulic lifts had a hidden entrance in Agua Prieta which
9 crossed into the U.S./Mexico border into the United States.
10 Miguel also testified that the drugs seized, those 900 to
11 1,000 kilograms, had been smuggled through the defendant's
12 tunnel.

13 So what do we know from Miguel's testimony?
14 Again, Tucson or Phoenix; 900 to 1,000 kilograms seized; a
15 joint U.S./Mexico operation; there is a pool table in
16 Camarena's house; the tunnel is underneath the pool table;
17 hydraulics were used to open the table; and the drugs went
18 through the defendant's tunnel.

19 You know Miguel is telling you the truth because
20 you heard the sworn testimony from Customs Officer Agent
21 Salazar. He's the agent who found himself in that tunnel.
22 He discovered the crossing tunnel of this border and he
23 testified that on May 11, 1990, based on a tip from a
24 source, he and law enforcement officers followed a truck
25 from Douglas, Arizona to the warehouse in Queen Creek, where

1 they saw the truck backing into a loading dock. After
2 searching the warehouse, and this warehouse in Queen Creek
3 was 40-miles from Phoenix, the agents found 926 kilograms of
4 cocaine. This supports Miguel's testimony when he said that
5 the defendant told him that there was a seizure of about 900
6 to 1,000 kilograms of cocaine near Phoenix.

7 So Salazar's investigation led him back to
8 Douglas, Arizona, where they found the entrance to a drug
9 smuggling tunnel, and it led to a house in Agua Prieta,
10 Mexico. Agent Salazar testified and he and other law
11 enforcement officials searched the house in Agua Prieta,
12 Mexico. They did this jointly with Mexican authorities.

13 Salazar testified that the residence in Mexico
14 belonged to a name a guy Rafael Camarena. Salazar told you
15 that as they searched Camarena's house they went into a room
16 set up like a game room. They found a pool table inside.
17 Remember that Salazar testified that he noticed that the
18 concrete under the pool table was a different color than the
19 rest of the part, he thought that might be the entrance to
20 the tunnel. Remember what he did, he took the sledge
21 hammer, he tried to break through the floor, he didn't make
22 a dent. It wasn't until someone went outside and saw this
23 valve, and when the valve was turned that is what lifted up
24 the floor underneath the pool table. It was on a hydraulic
25 system, exactly as Miguel described. He said, quote, Just

1 like you would see in an auto garage, two large pistons,
2 which are hydraulics. Let's take a brief look at the video.

3 (Video played).

4 Here you see the two large hydraulics lifting up
5 the entrance underneath the pool table to the entrance to the
6 tunnel that led from Agua Prieta, Mexico, to Douglas,
7 Arizona.

8 So what do we see in terms of the testimony of
9 Agent Salazar and Miguel Martinez? The details are nearly
10 identical. The testimony of Miguel is corroborated by the
11 discoveries made by Carlos Salazar and his team. The two men
12 never met, certainly never worked together. The consistency
13 in their story corroborate's the defendant's link to the
14 cocaine and the tunnel discovered in May of 1990. This
15 evidence proves the defendant's responsibility for Violation
16 26.

17 On the subject, of tunnels, this was the first of
18 many tunnels you saw in the trial. The defendant liked using
19 tunnels. You heard testimony from Miguel that this would
20 allow him to cross drugs into the United States so quickly,
21 put him on the map as being one of the favorites from the
22 Colombians and earned him the name El Rapido. You heard
23 other examples. You see in the middle a picture of a tunnel
24 in Tijuana. You also see the maze of tunnels that he had
25 built underneath his house in Culiacan. And you also see the

1 tunnel he had built for his escape from a maximum security
2 prison in Mexico. That's Violation 26.

3 The next violation we're going to go to now is
4 Violation 12, sorry for jumping out of order, but hopefully
5 this chart will help you track.

6 This happened to be the second seizure that you
7 heard about at trial, this was the 7.3 tons of cocaine found
8 inside of the chili cans, the jalapeno chill low cans, which
9 we call the chili can seizure in Mexico in on April 21, 1993.
10 What is the evidence that shows that the defendant is
11 responsible for this violation?

12 You heard the testimony from Miguel Martinez that
13 after the tunnel in Agua Prieta was discovered by law
14 enforcement, the one that we just talked about, the defendant
15 had to find a new way to get his cocaine over the U.S./Mexico
16 border. So instead of going under the border, why not just
17 go right across at a legal crossing point. So using phony
18 cans of La Comadre chili cans, the defendant crossed from
19 Tijuana into the United States between 75 and 90 tons of
20 cocaine from 1990 to 1993. Miguel testified that he
21 estimated there were about 3,000 kilograms of cocaine in each
22 shipment, and so the total amount that they shipped from
23 Mexico to the United States using this method earned them
24 about 400 to 500 million dollars a year. Think about that,
25 that's 1.2 to \$1.5 billion using this smuggling route over

1 the course of three years.

2 Miguel testified that the value of the 7.3 tons of
3 cocaine that was seized in Mexico on that day was worth
4 \$100 million. Miguel knew about this operation because it
5 was the defendant who put him in charge of the operation.

6 Remember the first piece of evidence that you got
7 to hold in your hands, this was a chili can that he testified
8 about. And as he testified on that stand, he told you that
9 the defendant had his workers create the labels on the cans
10 to match the specifications of a real La Comadre product. In
11 addition, the defendant instructed his workers to set up a
12 warehouse to complete the packaging to fill the cans with
13 cocaine. Now, this endeavor wasn't without challenges. As
14 you saw and can see here on the table, traditional kilos of
15 cocaine are in rectangular shapes. Kilos being received by
16 the defendant did not naturally fit into that mold. So to
17 address this problem the kilos initially were cut and just
18 shoved into the cans. But this caused a problem with the
19 Colombians. They were complaining that their product was
20 arriving damaged into the United States.

21 So the defendant adapted and the defendant asked
22 his Colombian suppliers to produce cocaine package in these
23 cylindrical shapes, a request some the suppliers agreed to,
24 including Chupeta, Juan Carlos Ramirez.

25 In addition, in an effort to match the weight and

1 character of the La Comadre chili cans, Miguel testified they
2 would add a special sand to each individual can shipped to
3 match the weight and the sound of a real La Comadre can.

4 The cocaine-stuffed-kilo cans were loaded in
5 18-wheeler trucks going through Tijuana, Mexico, and on to
6 Los Angeles.

7 Miguel also recalled smaller details. He
8 remembered that one of the partial license plates of the
9 truck had the license plate 777 in it. He Remembered that
10 because there is a famous Mexican movie where one of the
11 characters has Patrolman 777. Again, the smuggling route was
12 used until the 7.3 tons of cocaine were seized in Mexico in
13 1993.

14 Again, in sum, what does he tell you about this?
15 The chili cans were causing damage to the kilograms; they
16 ordered cylindrical shapes form the Colombian suppliers; they
17 had to add weight; they used tractor-trailers; tons of it
18 were seized; he remembered the 777 license plate; and it was
19 crossed in Tijuana.

20 Here is the video that you saw where the truck of
21 777 and here it is where they are unloading the chili cans
22 used by the defendant. You see the sand then you see the
23 bricks of cocaine being taken outside. This is what the
24 pallet, this is what 7.3 tons of cocaine looks like hidden
25 inside the chili cans.

1 (Video played).

2 Here is another image of the truck with the 777
3 license plate, just like Miguel testified to. The testimony
4 of the North Valley Cartel leader, Juan Carlos Ramirez, also
5 known as Chupeta, also supports the testimony of Miguel Angel
6 Martinez. He's a supplier that Martinez referenced to
7 thousands of miles away in Colombia when the chili cans were
8 in their hey-day. Chupeta testified that he was upset
9 because his cocaine was arriving damaged. Now, Chupeta and
10 Miguel hadn't seen each other since 1993. There is no
11 evidence that they had any contact with each other. Look at
12 the similarities in their story.

13 Just like Miguel said, the way that the cocaine was
14 arriving in Los Angeles was a problem. Chupeta explained
15 they were paying for full pristine bricks, not paying for
16 broken bricks. He testified that he personally spoke with
17 the defendant about this problem. The defendant told Chupeta
18 he had a specific way to get cocaine over the U.S./Mexico
19 border, and the defendant needed to get his help. The
20 defendant asked Chupeta to make bricks of cocaine in a
21 different shape; instead of rectangular, he wanted special
22 shapes so the defendant provided Chupeta with a mold.
23 Remember how Chupeta described a cylindrical mold consistent
24 with this can. And so Chupeta agreed and did send cocaine in
25 these special shapes. You can see in the photograph there

1 the cylindrical shape of the cocaine that was prepared.

2 Chupeta testified that around this time he and his
3 workers in Los Angeles told him that tons of his cocaine were
4 seized in chili cans. Chupeta wanted proof that the drugs
5 were in fact seized by law enforcement and they weren't
6 stolen.

7 The defendant's brother, Pollo, provided proof to
8 Chupeta in the form of paperwork that showed about the
9 seizure. So in addition to corroborating Miguel, this extra
10 layer demonstrates the defendant was responsible for the
11 drugs in the chili; it is was the defendant's own brother,
12 Pollo, who gave this documentation to Chupeta. Why else
13 would that be if the defendant did not have an interest in
14 it?

15 But there was another witness that knew about this
16 smuggling route, Tirso Martinez. We're going to talk him
17 when we talk about the trains. He also told you that his
18 boss, Alfredo Vasquez, told him that the defendant was
19 bringing drugs into the United States using chili cans.
20 Vasquez once worked in the chili can factory.

21 Vasquez shared with Tirso the same details that
22 Miguel testified about. Vasquez told Tirso, for example,
23 that the defendant's workers put sand inside the cans to make
24 sure it was liquid, and make sure the weight was legitimate.
25 Vasquez told Tirso the chili cans crossed the United States

1 from the Tijuana border entry. Finally, Vasquez told Tirso
2 that there was a seizure of many tons of cocaine in chili
3 cans in Mexico.

4 Tirso does not know Miguel; he saw him once at a
5 cockfight. And Miguel did not recall having a distinct
6 conversation with Tirso. Yet, their detailed accounts were
7 nearly identical.

8 Not only did Miguel, who worked directly for the
9 defendant, tell you about the chili can route, you heard the
10 same details from Chupeta, who was in Colombia many miles
11 away. And Tirso who didn't know either one of them, yet
12 learned about the route through the worker, Alfredo Vasquez.
13 This is how their stories are consistent.

14 Based on the sworn testimony of these witnesses, of
15 Miguel, Chupeta and Tirso, corroborated by the video, as well
16 as the seizure evidence in the chili cans, the Government has
17 proven this violation beyond a reasonable doubt. This is
18 Violation 12.

19 Next violation we're going to go through one
20 through 11. Now, Chupeta provided cocaine not only for the
21 chili can route but also in the 2000s he sent numerous
22 cocaine shipments to the Sinaloa Cartel in planes, which he
23 called and used the code word Cometa, and in fishing boats
24 Juanitas. Take note. We're going to review all 11 in the
25 section. Also, we're going to discuss three counts in the

1 section as well. I'll make sure I point those out to you.

2 Here is the chart. You see Violations one through
3 11 on the left-hand side, corresponding column has the name
4 of the shipment. You'll see that Violation 2 is also charged
5 as Count Six. You'll see that Violation 3 is also charged as
6 Count Seven. And Violation 8 is also charged as Count Eight.

7 So again, Violation 6 is the Cometa, that's the
8 plane. Then violations one through five and seven through 11
9 are the Juanita shipments. Now, Juanita 6, you also saw the
10 ledgers which were introduced through the testimony of
11 Chupeta. And Cometa 4, as you see on this entry, is a
12 reference to the 800 kilograms of cocaine that were sent
13 successfully to the Sinaloa Cartel on this plane, this is
14 Violation 6. They are on the screen but you also have them
15 in evidence in the other ledgers. Referring to Juanita's one
16 through ten, that's Government's Exhibit 302-A. They detail
17 each one of the Juanita's that we talked about. The
18 violations go in opposite order from the Juanitas.

19 So Violation 1 is Juanita 10, which details
20 3200 kilos of cocaine. Violation 2 is Juanita 9, as well as
21 Count Six, and details 12,000 kilos of cocaine. Violation 3
22 refers to Juanita 8, refers to 10,500 kilograms of cocaine.
23 Violation 4 is Juanita 7, 710,000 kilograms of cocaine.
24 Violation 5 is Juanita 6, that's 10,000 kilograms of cocaine.
25 Cometa 6 we talked about. Violation 7 is Juanita 5, that

1 deals with 10,000 kilograms of cocaine. Violation 8, which
2 is Juanita 4, deals with 8,000 kilograms of cocaine.
3 Violation 9 is Juanita 3, that deals with 6,465 kilograms of
4 cocaine. Violation 10 is Juanita 2, which deals with
5 6,000 kilograms of cocaine. Violation 11 deals with Juanita
6 1, which is 3600 kilos of cocaine.

7 I want to make sure you have this information when
8 you see the special verdict sheet. You'll see the numbers of
9 the violations, you'll see the quantities of the drugs, so
10 you guys understand it.

11 Now, the Cometas and many of these Juanita
12 shipments were received successfully by the Sinaloa Cartel.
13 But two of them were seized by the United States Coast Guard,
14 that's Juanita 9. And you heard the story about the Lina
15 Maria, that was Juanita 8. You heard from the Coast Guard
16 about the San Jose boat.

17 Now, how do you know the defendant was responsible
18 for these violations? Well, Chupeta and this man in Mexico,
19 German Rosero, ordered the shipments on behalf of Chupeta
20 with the Mexicans. They testified about these shipments and
21 they testified about the defendant's role in them.

22 Here is a picture of both of them. Chupeta was
23 somewhat memorable. Had a horrid story and a hard face to
24 forget. But what he did tell you about this? It's important
25 to understand the history between Chupeta and the

1 relationship he had with the Sinaloa Cartel, to put these
2 drug seizures into context.

3 In the 1990s, Chupeta and the cartel members he
4 knew, including the defendant, Mayo, Amado Carrillo, Nacho
5 Coronel, and the Beltrans to transport his drug shipments
6 from Colombia to Mexico. Then the Mexicans would transport
7 it from Mexico to the United States. Remember, back then the
8 cartel members they were only transporters, they were not
9 investors in these drugs. Mayo was in fact was the person
10 who first mentioned the defendant to Chupeta.

11 At the first meeting between Chupeta and the
12 defendant, this was in a hotel in Mexico City before the
13 defendant went to jail for the first time. Some the
14 defendant's workers who kept the defendant's business going
15 while he was in jail were at this meeting, the defendant's
16 brother, Pollo, was there, and Miguel Martinez who also went
17 by the name Gordo. Now Chupeta didn't know Gordo's real
18 name, but he identified his photograph. He also remembered a
19 detail about the gold vial of the cocaine dispenser of that
20 Miguel used to use. And Miguel testified about that same
21 detail.

22 Remember, Chupeta testified that when the defendant
23 was in jail, Chupeta sent him five boats containing about
24 55,000 kilograms of cocaine through his workers. And at this
25 first meeting the defendant agreed to transport Chupeta's

1 drugs. Remember, Chupeta testified that the defendant also
2 demanded a higher percentage than the other transporters
3 because he was faster. And we know why, he was a El Rapido,
4 he was the one that could get the drugs quickly through the
5 U.S./Mexico border.

6 So Chupeta sent the Cometa and and Juanita
7 shipmentss, which are the focus of the violations between
8 2002 and 2005. Chupeta testified that all the cartel members
9 invested in these shipments together. And we know that's
10 true because German Rosero testified that it was German's job
11 to pick up the money from all of the cartel members who were
12 investing in the shipments. That included the defendant,
13 Mayo Zambada, the Beltran Leyvas, Nacho Coronel, and Vicente
14 Carrillo Fuentes.

15 You'll recall the details that Chupeta testified,
16 about how he packaged the drugs, how he sent them to the
17 defendant and the Sinaloa Cartel. Remember that the
18 kilograms of cocaine were wrapped in tape and that they would
19 be placed in black rubber bags, the bales would be hidden in
20 secret compartments known as clavos. They would put ice and
21 fish on the boat as a cover load to hide the true purpose of
22 the shipment.

23 We know that all the cartel members helped each
24 other bring the shipments from Mexico on their way to the
25 United States. Chupeta or Rosero both testified that each

1 cartel member aided each other in bringing these shipments.

2 Rosero testified that the cartel members took turns
3 picking up the shipments. Rosero went to the see the
4 defendant in the mountains about the shipments. He had one
5 of those crazy, horrible landings that other people testified
6 about, including Alex Jorge Cifuentes. At that meeting
7 Rosero talked with the defendant about these specific
8 shipments.

9 Let's go back to the timeline we discussed, these
10 Cometa and Juanita shipments were sent between 2002 and 2005.
11 This time period was the hey-day of the Sinaloa Cartel, when
12 everyone was working together in harmony. Each member of the
13 cartel was investing in the Cometa and Juanita shipments;
14 each member was helping each other receive the shipments,
15 during this time period and during these violations.

16 Members of the cartel successfully brought
17 55,000 kilograms of cocaine into Mexico and transported these
18 kilograms into the United States because that's where the
19 money was.

20 (Continued on next page.)

21

22

23

24

25

Summations - Ms. Goldberg

6597

1 MS. GOLDBARG: You heard testimony that one
2 kilogram of cocaine that made its way to the streets of
3 Chicago could be sold as much as \$125,000 per kilogram.

4 So during the time when all the cartels
5 members were investing in these shipments together aiding
6 each other in their work of receiving shipments, they were,
7 as Rey testified, stronger together. This cooperation also
8 made them liable for every shipment charged in this
9 violation and the corresponding counts. Remember what I
10 said a little bit earlier about aiding and abetting
11 liability. It's an important concept to remember because
12 the defendant and the other cartel members were involved in
13 the same common scheme here, they were sharing the risks and
14 sharing the reward of a mutual investment and they were
15 working together to make these shipments happen, therefore,
16 they're all criminally liable for these shipments.

17 Let's talk about a couple of the shipments in
18 particular. We'll talk about Juanita 4.

19 Now, remember that Chupeta testified that the
20 Juanita 4 shipment had a problem. This is also the one that
21 went to Mexico but on its way was boarded by the Coast
22 Guard. The Coast Guard searched the ship but they couldn't
23 find the 8,000 kilograms of cocaine that were on it, so the
24 clavo really worked. Chupeta ordered that fishing boat to
25 go back to Colombia, switch boats, and then sent the 8,000

Summations - Ms. Goldberg

6598

1 kilos on a new boat where it was successfully received by
2 the Sinaloa Cartel.

3 German Rosero also remembered the shipment.
4 Rosero testified that this was a shipment that the defendant
5 was supposed to personally receive. It was his turn. He
6 remembered that one of one boats, this one was filled also
7 with 8,000 kilos of cocaine, it was boarded by the U.S.
8 authorities, and Rosero testified that after 17 hours of
9 searching they did not find the cocaine. Rosero also
10 recalled that the boat was sent back to Colombia, and then
11 the cocaine was switched to another boat. Again, just like
12 Chupeta testified to.

13 And then there was another two seizures.
14 Chupeta remembered that in September of 2004, the Coast
15 Guard seized Juanita 8 and Juanita 9, these cocaine
16 shipments. One shipment had 12,000 kilograms of cocaine on
17 board and the other one had 10,500 kilograms of cocaine on
18 board. Chupeta remember the month and year vividly because,
19 remember, he testified this was the first time the American
20 Coast Guard had seized his cocaine.

21 Rosero also remembered that in 2004 two
22 shipments were seized by the Coast Guard, and he remembered
23 that they seized two boats containing about 22,000 kilograms
24 of cocaine. German remembered that it was in September
25 because that's around -- that's when the Mexican National

Summations - Ms. Goldberg

6599

1 Independence Day is.

2 But not only did Chupeta and Rosero's
3 testimony corroborate each about the seizures, you also
4 heard about these events from the Coast Guard officers who
5 testified and you heard the similarities to the details of
6 the testimony to Chupeta and Rosero. You also learned that
7 the details of each shipment were strikingly similar. These
8 similarities help you know that Chupeta and Rosero are
9 telling you the truth because they show that both shipments
10 came from the same scheme.

11 Now Juanita 9, this is Violation 2 and
12 Count Six. Recall in this event, Coast Guard Officer Shawn
13 Baker boarded the LINA MARIA, the LINA MARIA is Juanita 9.
14 He boarded this boat on September 16th, 2004. He testified
15 that the ship had a Colombian crew. He found an area of
16 fresh cement and after digging up the cement, he found a
17 clavo or a hidden compartment. Inside that hidden
18 compartment he found 600 bails wrapped in black rubber.
19 Inside the bails were individual bricks of cocaine, which
20 were wrapped in tape had and the marking XTRA on it. In
21 total, over 12,000 kilograms of cocaine were found on that
22 ship. What else did Officer Baker testify to finding on
23 that boat? Fish.

24 Now, Juanita 8, which is charged in Violation
25 3, as well as Count Seven, you heard testimony from Officer

Summations - Ms. Goldberg

6600

1 Gris from the Coast Guard that he boarded the SAN JOSE,
2 that's Juanita 8. And this happened on September 23rd,
3 2004. This ship also had a Colombian crew. It had fresh
4 cement covering up another clavo or hidden compartment and
5 inside that compartment they found 525 bails of cocaine
6 wrapped in a black rubber. Each cocaine was also wrapped
7 and taped with the XTRA marking on it, and this seizure
8 totaled about 10,000 kilograms of cocaine.

9 How else do you know the defendant was
10 responsible for these violations? Well, let's look at the
11 accounting records for Juanita 4. Again, Juanita 4 is
12 Violation 8.

13 This is the boat that was boarded by the
14 Coast Guard, but they didn't find the cocaine, and it's also
15 charged in Count Eight.

16 Here you see that the code word for who is
17 receiving the cocaine is listed as "Cha," C-H-A. And
18 Chupeta testified that that was the code word that he used
19 in his ledgers for Chapo, Chapo Guzman the defendant. And,
20 again, Rosero told you that the defendant was responsible
21 for receiving this shipment for the Juanita 4.

22 Where else do you see the defendant's code
23 name in these ledgers? This is another letter indicating
24 that there was a payment from Mona Cha. Recall that Chupeta
25 testified that Mona was the name of a person who would bring

Summations - Ms. Goldberg

6601

1 money down from Mexico to Colombia to pay for the cocaine.
2 And Cha, again is the code name for Chapo. So this is a
3 payment for cocaine that the defendant was paying to
4 Chupeta. This is how you know that the defendant is
5 involved in these violations.

6 Let's look at one more with Juanita 4.
7 Recall how detailed Chupeta was in these ledgers. Here you
8 see there is the notation for the rental of the first ship,
9 then there is a rental for a new ship because, remember, the
10 boat had to go back to Colombia, they boarded -- they put
11 the cocaine on a new boat so they had to pay for the new
12 boat. And in fact, they had to pay, there was a charge per
13 unit of cocaine to put the cocaine from one boat to another,
14 and those are detailed in these ledgers.

15 Let's summarize what we've learned about
16 this. You know that the Juanitas and the Comes were sent to
17 the Sinaloa Cartel.

18 You know that these cartel members
19 collectively invested in these shipments together.

20 They shared responsibility for picking up the
21 cocaine from the fishing vessels.

22 You know that the Juanita 4 was stopped by
23 the Coast Guard but nothing was found.

24 You know that Juanita 8, which is the SAN
25 JOSE, and Juanita 9, the LINA MARIA were stopped by the

Summations - Ms. Goldberg

6602

1 Coast Guard and the cocaine was seized totaling 22,500 kilos
2 of cocaine.

3 So that when you review the sworn testimony
4 of Chupeta and German Rosero, and you compare it to the
5 testimony of the Coast Guard officers, the photos, the
6 videos, the ledgers, the Government has proven beyond a
7 reasonable doubt these 11 violations as well as these three
8 counts.

9 So we're going to check off the violations.
10 We're going to go over to the chart. Not quite there.
11 We'll get there.

12 Next we're going to turn to Violation 18.
13 Now Chupeta was not the only one with a source of supply who
14 were sending boats filled with cocaine to the defendant and
15 the Sinaloa Cartel.

16 In fact, on May 18th, 2007, the United States
17 Coast Guard made the single largest cocaine seizure in
18 history, approximately 16 tons of cocaine on board a
19 merchant ship named the GATUN. This is the event that we're
20 going to discuss, which is Violation 18.

21 How do we know the defendant was responsible
22 for this violation? Well, both Rey Zambada and Vicente
23 Zambada testified about the shipment, and it's not
24 surprising that they would remember this because this
25 represented a huge loss for both the defendant and Mayo.

Summations - Ms. Goldberg

6603

1 Now, Rey Zambada testified that towards the
2 end of 2006 the defendant, Mayo, and their partner the
3 defendant's cousin, Arturo Beltran Leyva, they hatched a
4 plan to send large quantities of cocaine on a merchant ship
5 that Mayo owned. Rey testified that he was present at
6 several meetings when it was agreed that they would use a
7 boat owned by his brother Mayo and load it with cocaine in
8 Panama. And they came to an agreement. Now, another word
9 for that agreement is conspiracy. That the defendant, Mayo,
10 and Arturo would all invest together in smuggling cocaine on
11 a ship from Panama to Sinaloa, Mexico, for ultimate
12 distribution to the United States. That was the conspiracy.

13 Rey also testified that Capi Beto, who was a
14 Sinaloa Cartel member, he was going to be in charge of
15 receiving that cocaine, and Conejo, remember a prominent
16 Colombian drug trafficker, was the broker between the
17 Sinaloa Cartel and Colombian source of supply.

18 With an agreement in place, the boat was
19 supposed to leave Panama. Remember Rey's testimony about
20 how the cocaine was supposed to get onto the ship? Rey
21 testified in great detail about this. So the merchant ship
22 was supposed to slow down, as slow as it could go, and then
23 the Go-fast boat would come up to the side, match the ship
24 and then a crane from the merchant ship would pick up the
25 cocaine and put it onto the merchant ship.

Summations - Ms. Goldberg

6604

1 Rey testified that the Coast Guard seized the
2 merchant ship off the coast of Panama and Rey recalled there
3 was about 20 tons of cocaine on the boat.

4 Rey also testified after the seizure there
5 was a meeting to find out what happened. Rey testified that
6 Arturo Beltran Leyva was upset. He suspected that someone
7 from the DEA was tapping their phones. And Mayo was at that
8 meeting, and Mayo's representing himself and his partner,
9 the defendant. Mayo was also showing this 50/50 partnership
10 between the defendant and him.

11 Who else testified about this agreement?
12 Well, there was another person actually involved in this and
13 that was Vicente Zambada. Vicente testified that his father
14 Mayo had purchased a merchant ship to smuggle cocaine, just
15 like Rey testified to. And in 2007 there was a shipment of
16 cocaine that was seized from his father on a boat near
17 Panama. Again, just like Rey testified to.

18 More importantly, Vicente testified that the
19 owners of the cocaine on that cargo were the defendant,
20 Mayo, and Arturo Beltran Leyva, just like Rey testified to.

21 Additionally, Vicente testified that it was
22 him and Capi Beto who were supposed to handle the logistics
23 of receiving that boat in Sinaloa, another detail that Rey
24 testified to. Vicente also testified that after the cocaine
25 was seized, there was a meeting between Mayo and Conejo

Summations - Ms. Goldberg

6605

1 where they discussed what happened with the shipment. It's
2 the same people that were present that Rey testified to.

3 And like Rey, Vicente told you that Arturo
4 Beltran Leyva had concerns as to why that shipment had been
5 seized by the Coast Guard.

6 But there's more. You heard from Officer
7 Harrison from the Coast Guard. He testified about boarding
8 the merchant ship the GATUN off the coast of Panama.
9 Remember, he was the smallest member of the team so he was
10 the one that got the job to crawl through the container
11 where they found the cocaine.

12 You saw the photos of the merchant ship with
13 the cranes, just like Rey testified to. And you saw the
14 method -- the mounds of cocaine that were found on board
15 that required a human daisy chain to unload it. Here's just
16 a small sample of that.

17 (Videotape played.)

18 MS. GOLDBARG: The Coast Guard also detained the
19 crew on board and they were made up of Mexicans and
20 Panamanian nationals.

21 Now, the sworn testimony of both Rey and
22 Vicente Zambada, corroborated by the evidence of the
23 seizures from the U.S. Coast Guard, prove the defendant is
24 responsible for this violation. You see the corroboration
25 between these witnesses and this is how it matches up.

Summations - Ms. Goldberg

6606

1 I'm going to go through two more violations
2 before lunch.

3 THE COURT: Are you?

4 MS. GOLDBARG: Yes.

5 THE COURT: Okay.

6 MS. GOLDBARG: Next we're going to go through
7 Violation 16 and 17.

8 So, in addition to using trains and boats and
9 Go-fast and other methods, the defendant used submarines, or
10 as you heard them called semisubmersibles. These are boats
11 barely visible above the surface to carry cocaine from
12 Colombia and Mexico.

13 Violation 16 involved the first ever
14 nighttime boarding of one of these submarines. You saw a
15 video of what that boarding looked like, the nighttime
16 boarding. The U.S. Coast Guard stopped this boat off the
17 coast of Panama and they found 4,716 kilograms of cocaine
18 inside.

19 So how do you know the defendant's is
20 responsible for this shipment as well? You saw the cocaine.

21 The witness -- the first witness that
22 testified about this was Rey Zambada. He testified that he
23 was the one that bought the semisubmersible and he paid
24 \$1 million for it. And he testified that the advantage of
25 using this type of boat was because it was harder to be

Summations - Ms. Goldberg

6607

1 detected by the Coast Guard and the Navy.

2 It was Rey's job then to get the other
3 members of the cartel to invest in half of the shipment, and
4 he personally collected money from them. And in his role,
5 Rey knew exactly who was investing in the cocaine shipments.
6 And among the cartel members who invested was the defendant,
7 who gave him, through Mayo, \$1 million.

8 And Rey testified that the submarine was
9 supposed to carry 5,000 kilograms of cocaine and it was
10 scheduled to arrive in the summer of 2008. In the end, Rey
11 testified that this submarine was seized off the coast of
12 Panama.

13 What other evidence corroborates what Rey has
14 testified to? Well, you heard the testimony of Vicente
15 Zambada. He testified that his officemate, Juancho, again
16 the defendant's right hand man and cousin, Juancho told
17 Vicente that in September 2008 a submarine filled with
18 cocaine had been seized by the Coast Guard. And Juancho
19 told the defendant -- I'm sorry. Juancho told Vicente that
20 it was the defendant and Mayo who were the owners of the
21 shipment. And why did Vicente remember this? Well, if the
22 shipment made it through to Mexico it would have been
23 Vicente's responsibility to receive the shipment of cocaine
24 on the beach of Mexico.

25 And how did Vicente know that? Well, because

Summations - Ms. Goldberg

6608

1 he had received a successful shipment of cocaine right
2 before the seizure that included 5,000 kilos of cocaine. So
3 he testified about two semisubmersibles filled with cocaine.
4 He also told you that the load contained both cocaine and
5 cocaine base. The first successful shipment that Vicente
6 testified about, the 5,000 kilos, is the basis for Violation
7 17.

8 Who else testified about the defendant's use
9 of submarines? Well, Damaso Lopez testified about two
10 cocaine shipments in submarines. And Damaso testified that
11 it was the defendant and Mayo who were the owners of the
12 shipments. Not only that, but Damaso testified that Vicente
13 was supposed to receive the two submarines in Mexico, and
14 they both were carrying cocaine and base. So, again, Damaso
15 testifies about two submarine loads, both of them are
16 approximately 5,000 kilos of cocaine and cocaine base and
17 Vicente was supposed to receive the submarine loads. Again,
18 consistent with the testimony of Vicente and Rey Zambada.

19 How else do you know that the defendant is
20 responsible for this? You also heard the testimony from
21 Pedro Flores about the submarine shipment as well. Pedro
22 testified that he was invited to participate in the shipment
23 by the defendant through Alfredo Vasquez. The idea was to
24 use this transportation method. So Pedro purchased the
25 cocaine in Colombia, it was loaded on the submarine and then

Summations - Ms. Goldberg

6609

1 what happened? The drugs never made it. Pedro got a call
2 from Juancho, the defendant's right hand man, to see if
3 Juancho could tell him what's going on. Remember that Pedro
4 testified that Juancho told him that around September 2008
5 that they had just lost a submarine. After a lot of back
6 and forth, Juancho told Pedro that Pedro was in fact in luck
7 because it wasn't his submarine that was seized, that the
8 drugs were on their way.

9 And Alfredo Vasquez confirmed this in one of
10 the recorded calls that Pedro Flores made. Again, the same
11 testimony, sworn testimony that you heard from Rey Zambada,
12 Damaso Lopez and Vicente Zambada. Two submarines, 5,000
13 kilos, in 2008. And, most importantly, the defendant was
14 investing in these loads.

15 You also heard the sworn testimony of Officer
16 Bagetis from the Coast Guard who told that you that they
17 seized the semisubmersible in September 2008 off the coast
18 of Costa Rica. And again, there were 4,716 kilos of cocaine
19 inside.

20 Remember he testified that not only was this
21 the first ever boarding -- nighttime boarding of a submarine
22 of this type, but remember the details about what
23 happened -- when he testified to what happened when they
24 tried to board it, the crew tried to shake them off so they
25 literally had to hold on for dear life. He confirmed what

Summations - Ms. Goldberg

6610

1 you already heard from the other four cooperating witnesses,
2 that the submarine was seized off the coast of Costa Rica in
3 September 2008 and that seized submarine had 4,716 kilos of
4 cocaine on it.

5 So based on the sworn testimony of Rey
6 Zambada, Vicente Zambada, Damaso Lopez and Pedro Flores,
7 corroborated by the evidence that was presented to you by
8 Officer Bagetis, and as well as the photos, the videos and
9 the lab reports, the Government has proven that the
10 defendant is responsible for Violations 16 and 17 as well.

11 THE COURT: Okay. We'll take our lunch break.
12 Ladies and gentlemen, please remember not to talk about the
13 case. We'll reconvene at 1:45. Thank you.

14 (Jury exits courtroom.)

15 THE COURT: All right, we're in recess. Thank
16 you.

17 (Luncheon recess.)

18 (Continued on the next page.)
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25

Summation - Ms. Goldberg

6611

1 A F T E R N O O N S E S S I O N

2 (In open court; jury not present.)

3 (Defendant enters.)

4 THE COURTROOM DEPUTY: All rise.

5 THE COURT: All right. Let's have the jury back,
6 please.

7 (Jury enters.)

8 THE COURT: All right. Be seated, ladies and
9 gentlemen.

10 I just noticed that you are back to wearing coats,
11 so I checked my thermometer and you are right, it is colder in
12 here than it has been. We will see what we can do about that.

13 Continue, Ms. Goldberg.

14 MS. GOLDBARG: Thank you, your Honor.

15 Welcome back.

16 THE COURT: I don't get it. Did the computer go out
17 to lunch?

18 (Pause.)

19 THE COURT: Okay. Got it.

20 MS. GOLDBARG: All right. While we get that synced,
21 we just finished discussing Violation 16 and 17, and now we
22 are going to turn to Violations 13, 14, and 15, and we are
23 still on Count One.

24 Now, the defendant didn't rely only on getting
25 cocaine from Colombia. The evidence has shown that the

Summation - Ms. Goldberg

6612

1 defendant searched for new ways to cut out the middlemen and
2 go straight to the source. The defendant wanted to establish
3 his own direct connection in South America, so the defendant
4 sent Jorge Cifuentes to South America to set this up and,
5 again, these are the violations we are going to talk about.
6 First we are going to talk about Violations 14 and 15.

7 Now, you heard evidence that there was an initial
8 seizure of 6,000 kilograms of cocaine on a boat, and this is a
9 basis for Violation 15.

10 There is also another seizure of 8.3 tons of cocaine
11 seized in October of 2009 in Ecuador. This is Violation 14.

12 This Ecuadorian operation was set up by the
13 defendant at his instructions. The defendant funded it, and
14 the drugs that were seized belonged to the defendant. So how
15 do you know the defendant was responsible for these
16 violations? Well, you heard from both Jorge and Alex
17 Cifuentes.

18 Now, Jorge testified that the defendant put him in
19 charge of the operation. A little background. Jorge and Alex
20 Cifuentes had an older brother who was a prolific drug
21 trafficker in Colombia by the name of Pacho Cifuentes and you
22 heard from Jorge that when Jorge and Pacho had trafficked with
23 the defendant in early 2000s, and then when Pacho Cifuentes
24 was killed, Jorge went to the defendant. He went to the
25 defendant to get back up on his feet. He also wanted to find

Summation - Ms. Goldberg

6613

1 out who was responsible for killing his brother. He wanted to
2 make sure he was safe. Jorge also wanted to make money.

3 So in mid-2007, Jorge went to the mountains to speak
4 with the defendant about his brother Pacho's death. Remember,
5 Jorge hadn't been to the location in years. And what is it
6 that he noticed? There were more people, more weapons, more
7 infrastructure. This is consistent with someone who is
8 becoming more powerful over years, a boss becoming more
9 powerful and more wealthy.

10 The defendant, at this meeting, asked Pacho -- asked
11 about Pacho's drug trafficking infrastructure in Colombia
12 because he, the defendant, wanted it. Pacho left behind a
13 viable operation. This was a way to bring large quantities of
14 cocaine from Colombia to Mexico as part of this cocaine
15 pipeline to the United States. But Jorge, afraid for his
16 safety if he went back to Colombia, refused to go. He was,
17 however, willing to go somewhere else. And Jorge and the
18 defendant agreed that Jorge would go to Ecuador because,
19 first, it was close to Colombia; and, second, he could use
20 routes on the Pacific coast to go straight to Sinaloa. But
21 before Jorge could travel from Mexico to Ecuador, Jorge left
22 something with the defendant to make sure the defendant knew
23 how serious Jorge was and how committed Jorge was to this
24 venture. Do you remember what it is that Jorge left behind in
25 the mountains of Sinaloa? He left his brother, Alex, who you

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1 heard from as well.

2 So Jorge went to Ecuador to set up this
3 infrastructure for the operation; the defendant gave Jorge the
4 money to do it. So first Jorge rented a warehouse in Quito
5 and Guayaquil. In those warehouses he built a *clavo* or secret
6 compartment in warehouses where he could hide the cocaine.

7 Next, Jorge had to find a source of supply. And who
8 did he find? Someone with the alias Politico, and this person
9 was buying cocaine from the FARC -- the Colombian guerrilla
10 group. Now, the FARC would deliver the cocaine to the
11 Colombian/Ecuador border, but Jorge needed to have it
12 delivered from the Ecuadorian border down to the warehouses in
13 Quito and Guayaquil.

14 We are going old school on this. Thank you.

15 And who did Jorge hire to do this? Jorge got an
16 Ecuadorian military captain by the name of Telmo Castro, or
17 who was also known by the name Capi or Carpintero, to deliver
18 the cocaine to the warehouse Jorge had set up. Jorge also has
19 a nephew, Jaime Roll Cifuentes, in charge of running the
20 day-to-day operations in Ecuador. Once Jorge got the cocaine
21 at the warehouses, he then got it to the defendant. The
22 cocaine would be taken from these warehouses to the shores of
23 Ecuador, and then they would be placed on small -- these
24 go-fast boats. These go-fast boats would then meet with the
25 defendant's larger fishing boats on the high seas and hand off

Summation - Ms. Goldbarg

6615

1 the cocaine. And, in fact, the defendant sent his own
2 fishermen and boatmen to drive these go-fast boats to Ecuador,
3 and then once they got the cocaine, the ship would sale up
4 north. And as you are seeing here, this is the route that
5 Jorge described that these boats would take once the
6 defendant's cocaine was boarded in Ecuador all the way up to
7 Sinaloa.

8 Now, how did the defendant stay personally involved
9 in Jorge's operation? The defendant sent his nephew, Tomas,
10 to Ecuador to make sure that Jorge was spending the
11 defendant's money wisely. And Jorge testified that the first
12 shipment of 6,000 kilograms of cocaine made it successfully to
13 the defendant and Mayo, because, again, this was another
14 example of the 50/50 partnership between the defendant and
15 Mayo.

16 Jorge also testified that the defendant and Mayo
17 discussed sending these drugs to the United States, and Jorge
18 also testified for that this first successful shipment of
19 cocaine, the defendant made at least \$48 million, so the
20 defendant ordered Jorge to send more drugs, but Jorge warned
21 the defendant that it wasn't a good time because his
22 contacts -- his corruption contacts -- told Jorge that the
23 coast guard were around. The defendant insisted and ordered
24 Jorge to set up the drugs. And just as Jorge predicted, those
25 drugs got seized. That seizure is charged as Violation 15.

Summation - Ms. Goldberg

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1 Despite the setback, the defendant still wanted
2 Jorge to send him more cocaine from Ecuador, and the next
3 shipment was supposed to have 8,000 kilograms of cocaine, so
4 Jorge followed the defendant's instructions, bought more
5 cocaine with the defendant's money to make a full shipment of
6 8,000 kilograms of cocaine.

7 Now, imagine these drugs proved to be a mistake,
8 because it was all seized from the warehouses where it was
9 stored before it got a chance to be moved to the coast. Over
10 8 tons of the defendant's cocaine was seized over nine days in
11 2009, in October.

12 Now, who else testified about this event? You heard
13 about this from Alex Cifuentes, Jorge's brother, who was in
14 the mountains with the defendant, and he testified about this
15 operation as well. And the key aspects of his testimony are
16 that the defendant did, in fact, send Jorge to Ecuador to run
17 this cocaine smuggling operation. The operation used
18 warehouses in Ecuador to store the cocaine and they used these
19 compartments to hide the cocaine. Alex confirmed that the
20 cocaine came from Politico. They also testified that Jaime
21 Alberto Roll Cifuentes, their nephew, worked for Jorge in
22 Ecuador and was in charge of the warehouses; that Tomas, the
23 defendant's nephew was a supervisor for the defendant in the
24 drug operation that was sent to Ecuador. Telmo Castro was in
25 charge of security and part of his role was to make sure that

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1 the cocaine was safely transported in Ecuador; and Alex also
2 learned that the defendant sent his own boatmen to Ecuador to
3 run the go-fast boats to take the cocaine from the Ecuadorian
4 coast to the larger fishing vessels.

5 Now, Alex also testified that the first shipment --
6 like Jorge testified -- that first shipment of 6000 kilograms
7 of cocaine did make it successfully to the defendant and that
8 these drugs were distributed in the United States; and Alex
9 testified that he personally had a role in selling these
10 drugs, this cocaine, in New York and that the drugs were also
11 distributed in Los Angeles.

12 Alex also testified that Jorge was right to be
13 concerned about the coast guard when they were sending the
14 second shipment of cocaine, and Alex told you that he was
15 right because the coast guard had, in fact, seized the
16 cocaine.

17 Alex also had sworn testimony about the
18 8,000 kilograms of cocaine from the warehouse in Ecuador.
19 Just like Jorge testified, they both knew that the defendant
20 was upset after the seizure of these drugs and the defendant
21 wanted Jorge to have Politico picked up, meaning kidnap him.

22 Now, how do you know that you can rely on the sworn
23 testimony of both Jorge and Alex Cifuentes? Well, you know
24 it's true because you saw the evidence of the seizure. You
25 also heard calls between Jorge and Alex and other Cifuentes

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6618

1 family members from the Colombian wiretap where they were
2 discussing this very seizure before either of them knew that
3 they were being investigated or even being recorded.

4 You heard from the Ecuadorian law enforcement
5 officers, including the prosecutor who came down, and they
6 told you about the 8.3 tons of cocaine that were seized from a
7 warehouse where Jorge stored the drugs. And remember, on
8 October 1st, 2009, the Ecuadorians were manning a checkpoint,
9 and they saw a red car make an illegal U-turn right before the
10 checkpoint, and this made them suspicious, so they stopped the
11 car, and the car was with a white truck, so the police stopped
12 the white truck as well. And to the surprise of the police,
13 the white truck had an emblem of the Ecuadorian military on
14 it, and guess who was inside? Captain Telmo Castro, the
15 military captain that both Jorge and Alex testified was paid
16 to transport the defendant's drugs, and in that white truck,
17 they found 539 kilograms of cocaine inside.

18 Now, the officers testified that they placed Telmo
19 Castro under arrest -- and you saw one of those photos -- and
20 Telmo Castro told the officers about the warehouse in Quito,
21 Ecuador. The police then searched the warehouse -- and
22 remember how crazy it was? They had to go back to the house
23 three times because they kept finding more secret
24 compartments. They went back once, they found cocaine; they
25 went back another time, they found more cocaine; finally,

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1 after the third time, they found all of the cocaine in the
2 warehouse.

3 Now, the Ecuadorian police just happened upon the
4 scheme when they were manning a routine checkpoint. They
5 didn't know anything about this operation or any connection it
6 had to Mexico, yet what they testified to matches and
7 corroborates exactly the testimony of Jorge Cifuentes and Alex
8 Cifuentes, but the investigation didn't stop there. Remember
9 the testimony of the Ecuadorian prosecutor? She told you that
10 the property owner of the warehouse where he found the drugs
11 turned over the lease for that warehouse, and the lease was in
12 the name of Jaime Alberto Roll Cifuentes, as there was a copy
13 of his passport attached to the lease itself.

14 And again, just like Alex and Jorge Cifuentes
15 testified, their nephew, Jaime Alberto Roll Cifuentes, helped
16 with a scheme and he rented this warehouse. And remember that
17 Jorge testified that this had been a bad idea; that Jaime
18 should never use his real name to rent the warehouse. But
19 there were more things that point to the defendant's
20 responsibility in this. Remember that the defendant sent
21 Jorge millions of dollars for expenses in Ecuador. Jorge kept
22 detailed records of the operation and is using the defendant's
23 money. And you know it was the defendant's money because Alex
24 told you it was as well. In fact, Alex told you that he had
25 to get the defendant's permission to send the money down to

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6620

1 Ecuador in the first place; and the records independently
2 corroborate the testimony of Jorge and Alex Cifuentes.

3 In one of the first entries, you will see a delivery
4 by Rhomel to Politico, \$9 million. Both Jorge and Alex
5 testified that Rhomel is a code name for Alex, and Jorge
6 testified that this was one of the defendant's payments to
7 Polito for the cocaine.

8 There was another payment for a warehouse to
9 Carpintero, XT. Both Jorge and Alex testified that "XT" is a
10 code word for cocaine and that "Carpintero" was a code word
11 for Telmo, so this is the payment to Telmo Castro for his job
12 moving the cocaine from the Ecuadorian border to the
13 warehouse.

14 Next, there was an entry for "delivered to Juan
15 Pablo for cars." Both Jorge and Alex testified about how Juan
16 Pablo would go up to the mountains and agreed with the
17 defendant to use his debit card money laundering scheme to
18 take the drug proceeds from the United States to pay for the
19 cocaine, and we will discuss this event more in the money
20 laundering count.

21 There's also an entry for two months' deposit for
22 rent for Mexicans. Jorge told you that this was the two
23 months' rent that was paid for the house where the defendant's
24 boatmen when they were sent to Mexico, this is where they
25 stayed. There were also mundane expenses in there like the

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1 sacks and the gloves and the needles and the tape -- the
2 material needed to package the cocaine that they were sending
3 by sea.

4 And there was also an entry for Tomas. Tomas, the
5 defendant's nephew, who was down there. These ledgers, ladies
6 and gentlemen, are direct evidence of the defendant's
7 involvement in these violations.

8 But the Ecuadorians weren't the only ones that were
9 investigating the Cifuentes organization. The Colombian
10 police also had an investigation into them and they happened
11 upon a meeting between Jaime Roll Cifuentes -- Jorge's
12 nephew -- and Tomas, the defendant's nephew, and this was a
13 meeting in Colombia. The Colombian police had no idea what
14 was going on between Jorge and the defendant at this time, yet
15 they captured a meeting between their two representatives,
16 Jaime and Tomas. This surveillance shows you that Jorge's
17 telling the truth about the Ecuadorian operation and the link
18 between him and the defendant.

19 Who else identified the photo of Tomas besides
20 Jorge? Damaso Lopez. Damaso testified that he knew Tomas was
21 the defendant's nephew and that he was the defendant's
22 representative in Colombia and in Ecuador. Well, you heard
23 the defendant negotiating the deal himself. The defendant was
24 upset with the loss of the 8 tons of cocaine, but he still
25 wanted the operation, and he still wanted Jorge to keep

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6622

1 moving, so the defendant ordered more drugs, but this time,
2 the defendant made Jorge put up his own property as
3 collateral. Jorge had to do this because his brother, Alex,
4 was up in the mountains being held by the defendant. The
5 defendant's nephew connected with a FARC guerrilla who would
6 supply the cocaine. And remember, this deal was for 6 tons of
7 cocaine. Two tons of the cocaine were going to be paid in
8 cash, and 4 tons were going to be paid that were going to be
9 secured by Jorge's property. This deal never went through,
10 but you heard the testimony and the recording discussing this.
11 There was a telephone call on May 21st, 2010, this was
12 intercepted over a wiretap authorized by a judge in Colombia,
13 in which the defendant personally speaks with the FARC who is
14 going -- the FARC guerrilla who is going to supply the drugs,
15 and they speak about setting the price for the cocaine. They
16 haggle over the price of a kilo of cocaine. And remember how
17 Jorge described to you that the defendant was a really good
18 businessman because he was wheeling and dealing trying to get
19 the price as low as he could, and let's listen to the call and
20 hear the defendant in his own words. Maybe.

21 (Pause.)

22 MS. GOLDBARG: Excuse our technical difficulties.
23 We will play the call, if we can, but in the meantime --

24 THE COURTROOM DEPUTY: You want to use the ELMO
25 again?

Summation - Ms. Goldberg

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1 THE COURT: Which do you want to use, the computer
2 or the ELM0?

3 MS. GOLDBARG: I'm not sure yet, your Honor.

4 MS. PARLOVECCHIO: Computer, please.

5 (Video played.)

6 (Video paused.)

7 MS. GOLDBARG: Let's listen to the next clip.

8 (Video played.)

9 (Video paused.)

10 MS. GOLDBARG: And one more clip.

11 (Video played.)

12 (Video paused.)

13 MS. GOLDBARG: So what to you hear and what do you
14 learn about in these calls? In the defendant's own words,
15 he's corroborating exactly what's happening in this Ecuador
16 deal. First, you know he's speaking with his nephew because
17 he says "nephew," just like Jorge and Alex testified to. He
18 says that he's intercepted because the defendant's extension
19 communication system isn't working. Again, like Jorge
20 testified to. They discussed 6,000 kilos of merchandise,
21 which you know, and as learned from the evidence, is a code
22 word for cocaine. They talked about 2 tons being paid for by
23 the defendant and 4 tons being paid for by, who they call,
24 Simon, which is a code word for Jorge, just like Jorge
25 testified to. This is also corroborated between calls between

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1 Alex and Tomas, a call that was recorded, again, by the
2 Colombian police on a judge's order, and the call between the
3 defendant and the guerillas, the defendant says that he has a
4 partner M. Well, who is M? M is Mayo Zambada, just like
5 everyone testified to. M and the defendant are partners. And
6 the defendant also tells the guerrilla leader that he's
7 willing to leave Tomas, his nephew, to stay in Ecuador as
8 human collateral. Well, we had seen that before when Alex was
9 left behind in the mountains. They discussed sending money to
10 a bank account. The defendant wants to send a technician of
11 his to inspect the profit, this is something that Chupeta used
12 to do back in the day, and the defendant knows that these
13 drugs are going to Guayaquil because he says so, exactly as
14 Jorge now has testified to.

15 The testimony of Jorge Cifuentes corroborated by
16 people who don't even know him -- the Ecuadorian and the
17 Colombian law enforcement officers -- as well as the recorded
18 calls and the sworn testimony of Alex Cifuentes, and the call
19 where the defendant, himself, is negotiating a cocaine
20 shipment, this is more than sufficient evidence to prove that
21 the defendant is responsible for the 6,000 kilo seizure, as
22 well as the 8.3 ton kilo seizure, and these are charges in
23 Violations 14 and 15.

24 And one more thing while we are discussing the
25 Cifuentes Villa brothers.

1 You heard sworn testimony that Alex Cifuentes and
2 his sister, Dolly, sent a shipment of drugs in December of
3 2008 on a plane to the defendant in Mexico. The defendant
4 paid for the drugs, which included 440 kilograms of cocaine
5 plus heroin and ephedrine, and through the course of this
6 trial, you've learned that ephedrine is a precursor chemical
7 used for methamphetamine. You also learned from Alex that,
8 according to the defendant, the drugs were seized on their way
9 to the defendant in Culiacan and that Jorge did not know that
10 there was ephedrine on the plane.

11 Now, you also heard the testimony of Jorge
12 Cifuentes, that there was a plane that had crashed in Mexico
13 with cocaine and ephedrine. After the fact, Alex and Dolly
14 admitted to Jorge that it was them who had been sending the
15 cocaine and the ephedrine to the defendant. They came clean
16 and admitted to the defendant -- that the defendant had asked
17 them to find ephedrine. Jorge was upset about this because
18 the defendant knew that Jorge did not want to get involved
19 with ephedrine. So what did the defendant do? He manipulated
20 Jorge's family members into doing a deal behind Jorge's back
21 by sending ephedrine with 440 kilograms of cocaine. Jorge's
22 testimony corroborates the sworn testimony of Alex Cifuentes,
23 and this is charged as Violation 13, and it's also Count Five,
24 so we are going to cross that one off as well.

25 So ladies and gentlemen, the Government has proven

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1 the defendant is responsible for Violations 13, 14, and 15.

2 Okay. The next set of violations we are going to
3 talk about are Violations 20, 21, 22; and then at the end, we
4 will also discuss Violation 23.

5 Now, the defendant also smuggled cocaine into the
6 United States through train routes by hiding cocaine inside
7 the train cars, specifically tanker cars that held edible or
8 cooking oil that came from Mexico City, across the border, and
9 into major cities in the United States such as Los Angeles,
10 Chicago, and New York. We are going to talk about Violations
11 20, 21, and 22 -- seizures that happened in Queens, Chicago,
12 and Brooklyn.

13 How do you know the defendant is responsible for
14 these violations? Well, Tirso Martinez told you that this was
15 the defendant's train route and that the defendant had
16 invented it and he had ultimate control over the route. That
17 means that the defendant could use the route for his own
18 shipments or whomever he wanted to allow to use this route,
19 and those people included his fellow members of the Sinaloa
20 Cartel.

21 Remember what I told you before about sharing
22 infrastructure and travel routes? This is a prime example of
23 that. Now, let's start reviewing Tirso's sworn testimony.

24 Now, Tirso was also known as a Futbolista or the
25 soccer player because he owned a Mexican soccer team and he

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1 also liked to gamble at cockfights. He was the person who
2 oversaw the shipments that were seized in these violations,
3 and Tirso testified that from 2000 until 2003, he was in
4 charge of the train route after he inherited from the
5 defendant's compadre and trusted worker Alfredo Vasquez.
6 Alfredo Vasquez had run the train route before him. Tirso
7 testified that the defendant owned this route. And, remember,
8 Tirso said that the defendant boasted to him about owning this
9 train route when Tirso finally met the defendant in person.
10 And Tirso's immediate boss in managing this route was Vicente
11 Carrillo Cifuentes.

12 Now, remember, Tirso testified that Vicente answered
13 to Mayo and the defendant during the time that Tirso ran this
14 route. Tirso testified that while he was in charge of the
15 smuggling route he imported approximately 20 shipments of
16 cocaine into the United States for distribution to clients in
17 major cities, and those clients would then further distribute
18 the drugs onto our streets. Tirso's estimate was that there
19 was between 30 and 50 tons of cocaine and that translates
20 between 500 and 800 million dollars. Tirso explained to you
21 how the train smuggling route worked from soup to nuts from
22 the warehouses in Mexico to the delivery on the streets of
23 United States. There were a lot of steps of this, but that's
24 exactly what you would expect from a hundred million dollar
25 operation.

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1 Let's go through the steps.

2 First, Tirso or his people would lease the tanker
3 cars from various companies where they hid the drugs filled
4 edible oil.

5 Second, they would smear each kilo with grease.
6 Why? To hide the smell of cocaine.

7 Third, they hid between 1400 and 2,000 kilograms of
8 cocaine in each train car. And remember, they built secret
9 compartments or *clavos* at the end of train cars that were
10 welded shut by welding pieces like oranges, as they described,
11 orange slices together.

12 Fourth, they put a layer of oil in the bottom of car
13 to deter inspection and make it look like the train was
14 carrying a legitimate cargo. On the way back from Mexico, the
15 cars would be fully filled with the edible oil, again, to make
16 it look like this was a legitimate business.

17 Fifth, Tirso had his employees, in this case, Jose
18 Gudino, who was using the alias Manuel and Jose Silva, and
19 another employee Juan Bugarin, they would rent warehouses in
20 the United States that had spurs running right into them so
21 that the tanker cars filled with the cocaine could be
22 delivered to the warehouses without detection, including right
23 here in New York City.

24 Sixth, the trains with the cocaine-laden cars would
25 leave Mexico City and come across the border.

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1 Seventh, the trains would arrive at the warehouse
2 with train spurs, the cocaine would be unloaded and then
3 transferred to trucks with hidden compartments.

4 Eighth, the trucks transported the cocaine to
5 another warehouse -- what they would call a distribution
6 warehouse -- where the shipments would be broken down, and
7 then those drugs would be hidden in cars or vans.

8 Ninth, the cars or the vans with the drugs in it
9 would be delivered to local distributors who were waiting to
10 pick up the drugs at fast food places like McDonald's, Burger
11 King, and even Denny's. Tirso's workers, including someone by
12 the name of Andres Robles and Javier Cecena, and these were
13 people that worked for Tirso in Chicago, and these workers
14 were the ones that would hand over the keys to the car or the
15 van to the distributors, they would take the van with the
16 drugs, unload the drugs, and fill it back up with money.

17 How do you know that Tirso is telling you the truth
18 about this? Well, you also heard that Tirso Martinez wasn't
19 the only member of the Sinaloa Cartel who ran the drug
20 smuggling route for the defendant. Miguel Angel Martinez also
21 did. Miguel testified that he was with the defendant when
22 they invented the train route in the early 1990s. Miguel ran
23 the route that went from Mexico City to Mexicali and Mexico
24 City to Los Angeles, one path that Tirso said he used.

25 Miguel also testified that he set up a front company

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1 to make it look like the train route existed to import cooking
2 oil from the United States to Mexico just like Tirso's
3 operation.

4 Miguel also testified that the cocaine and marijuana
5 were hidden at the end of these empty cars when they were
6 headed to the United States. Again, similar to the operation
7 Tirso testified to. Tirso's testimony is also corroborated
8 because we heard Miguel on a tape talking about the train
9 routes. Remember that Miguel was intercepted on a DEA
10 wiretap. He didn't know that they were onto him, and he
11 didn't know that he was being recorded. Miguel was talking to
12 one of the defendant's other workers, Enrique Avalos, and they
13 were discussing restarting this train route after the
14 defendant's arrest. They are talking about renting a
15 warehouse that could hold boxcars, and we heard them talking
16 about someone by the name of Noberto Guzman, someone who would
17 lease the tanker cars in his name in the warehouses in the
18 name of Miguel's front company, Argo Industrias. Remember the
19 call that they joked about Noberto's last name, Guzman,
20 because it was the same as their boss, Joaquin Guzman.

21 And here are the documents that they are discussing
22 on the call. You can see Noberto Guzman's name on the lease
23 and you can see it's carrying soybean oil and you can see
24 there's a receipt Argo Industrias.

25 Who else did you hear Miguel speak about on the

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1 recorded calls? Miguel mentions Alfredo Vasquez, the guy
2 Tirso took over the train route from. Miguel told you that
3 Vasquez worked at the warehouse where the defendant's trains
4 were arriving to be filled with cocaine while Miguel was
5 running the train route in the early 1990s. You also know from
6 German Rosero that Vasquez ran the train route for the
7 defendant. Tirso, in turn, told you that a couple of years
8 later when Tirso met Vasquez, they restarted the train route
9 in the mid-1980s. Vasquez then told Tirso about the
10 defendant's original train route in the 1990s, the same train
11 route that Miguel ran. So even though Miguel and Tirso don't
12 know each other, they both told you about the defendant's same
13 train route, and they both told you the defendant's worker
14 Alfredo Vasquez was involved in them. That corroboration is
15 how you know they are telling you the truth.

16 Now, Tirso and Miguel are not the only cooperating
17 witnesses who testified about this train route. Rey Zambada,
18 Chupeta, Pedro Flores all told you that Tirso was moving
19 cocaine for the defendant and the cartel in these trains.

20 But there's also the work that was done by Law
21 Enforcement Officer Steve DeMayo. Remember the in-depth
22 investigation that he did on this train route? He was able to
23 determine that there were approximately 60 total shipments.
24 How he started to piece this complex scheme together a little
25 at a time. We are not going to go through all of the

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1 evidence, but let me point out just a few key aspects of it.

2 First, he showed you how he traced all of the
3 ownership to the warehouses, to the names of the people that
4 Tirso used to set up these companies -- Juan Bugarin and Jose
5 Gudino, using these aliases Manuel Silva and Jose Silva.

6 He also tracked down train cars that Tirso used and
7 found these x-rays that had been taken of the cars. The
8 x-rays show the cars came from Mexico with cocaine hidden in
9 the ends on its way to New York City. You also saw the
10 triangle shaped piece of metal found in the Queens warehouse
11 that was used to make the hidden compartment just like the
12 orange slices Tirso described.

13 Because they were discovered in the train route,
14 they searched one of the suspicious tankers, and when they
15 looked inside, they found oil on the bottom, which
16 corroborates Tirso who said that they put oil at the bottom of
17 the tanker as part of the scheme. But a team of law
18 enforcement officers couldn't find the drugs because that's
19 how well hidden the drugs were, but there were seizures and
20 let's talk about those.

21 We are going to start with Violation 22.

22 The first cocaine seizure involved in Tirso's route
23 happened at one of his distribution warehouses in Brooklyn,
24 New York not far from this Court house. Special Agent Hornedo
25 testified that before the seizure, police officers were

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1 conducting surveillance of the warehouse at 400 Third Avenue.
2 After seeing a van leave the warehouse weighted down as if
3 drugs were in it, the police stopped the van and they
4 discovered multiple duffle bags filled with cocaine.

5 What did the officers find when they went inside the
6 warehouse? They found two box trucks with false walls, the
7 cocaine hidden inside of them. And remember that Agent
8 Hornedo showed you some of the drugs that were seized that
9 day, and he told you that they were wrapped in plastic and
10 with grease on the outside just like Tirso testified to.

11 In total, the agents recovered 1926 kilograms of
12 cocaine at this warehouse. At the time, this was the largest
13 seizure of drugs in New York City. And by the way, when
14 Special Agent Hornedo testified, do you recall who he said
15 were arrested there? Three guys from Sinaloa.

16 Who else told you about the seizure? Well, you
17 heard about it from Pedro Flores. He testified that his
18 supplier by the name of Profe told Tirso that there had been a
19 seizure of 2 tons from a train in Chicago -- I'm sorry, from
20 New York, and this was right before that was a seizure in
21 Chicago. And what did Profe tell Tirso was the cover load for
22 that train route? Cooking oil. Now this evidence proves the
23 defendant responsible for Violation 22.

24 We are moving on now to Violation 21.

25 This seizure happened on August 16, 2002. On that

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1 day, police seized 1952 kilograms of cocaine from a secret
2 compartment within box trucks parked inside another one of
3 Tirso's distribution warehouses which was located in
4 Romeoville, Illinois just on the outside of Chicago. A box
5 containing 250 kilograms of cocaine was also seized from a tan
6 delivery van earlier that day as well.

7 Now, retired Officer Cain testified that he followed
8 a green, a white, and a tan van engaging in suspicious
9 activity, including one being driven by someone who used a pay
10 phone, even though he had a cell phone in his pocket. Officer
11 Cain stopped the tan van after it left the Denny's and found
12 this box with 205 kilograms of cocaine, and this box had the
13 word written on it -- Profe. This led to the arrest of the
14 driver and the others in the van, including Andres Robles and
15 Javier Cecena, the people that Tirso identified as his
16 workers.

17 Now, why is the writing "Profe" important? Well,
18 you know that Profe, from both Tirso and Pedro Flores -- and
19 we'll talk about them in just a second, but after the tan van
20 was seized, this led to a warehouse in Romeoville and inside
21 the warehouse the officer found more box trucks with more
22 secret compartments where they found additional cocaine.

23 (Continued on the following page.)
24
25

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1 MS. GOLDBARG: Now, to understand how deeply Tirso's
2 testimony is tied to the defendant remember Pedro Flores. He
3 testified that Pedro got his cocaine from El Profe. And
4 El Profe would give him the drugs and Pedro would call it the
5 "kidnapper van," meaning it was a real rundown van.

6 And that Pedro would go to the Denny's parking lot
7 to pick up the kidnapper van. The van was filled with
8 cocaine. He would take that cocaine in the tan van to a stash
9 house and return the van with money inside. This is the same
10 Denny's that Officer Cain testified to, and the same place
11 where he seized the tan van with the 205 kilograms of cocaine
12 inside and the same van that had a box written "Profe" on it.

13 Pedro testified that El Profe told him about the
14 New York and the Romeoville seizures and that a guy he
15 rememberer as "Jose" Tirso ran his train route.

16 Where else did you hear about this tan kidnapper
17 from van from Officer Cain who stopped it and found the box
18 inside. Also, recall that Pedro heard about the arrest of
19 Andres Robles and Javier Cecena on the news in connection with
20 the seize -- he was worried because those were the two guys he
21 got his drugs from.

22 So when Pedro said that Tirso ran the train route,
23 it matches the rest of the testimony evidence because of what
24 Pedro told us and it's corroborated by Officer Cain during the
25 seizure of the tan van in the Romeoville warehouse. This,

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1 ladies and gentlemen, proves the defendant's responsible for
2 Violation 21.

3 And now let's turn to Violation 20.

4 On January 28, 2003, agents seized from a van and
5 warehouses a total of 1997 kilograms of cocaine. The seizures
6 occurred in a train warehouse with a spur, not the
7 distribution warehouse like in Brooklyn and Queens. That's
8 what brought this train smuggling route to an end.

9 Agent Ryan testified that after getting into a car
10 chase with the minivan, agents searched the warehouse, where
11 they found piles and piles of cocaine everywhere. They also
12 found metal pieces -- the "fans" and the "stools" that covered
13 the welded hidden compartments to hide the drugs inside the
14 tanker cars. And the agents also found barrels filled with
15 oil.

16 Who else did you hear about the seizure from?
17 Chupeta. Chupeta testified in 2003 his lieutenants were
18 working with the Sinaloa Cartel on the ground in Mexico. They
19 told him that the cartel had delayed paying Chupeta for his
20 cocaine because of seizures of cocaine on a train in New York.
21 And what did Chupeta say was the cover load for this route?
22 Vegetable oil. This, ladies and gentlemen, proves Violation
23 20.

24 Now, let's just take one step back and look at how
25 the members of the cartel all worked together to ensure the

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1 success of this route and how to shows the defendant was the
2 boss of this route.

3 Tirso testified that every time there was a seizure,
4 he would tell his immediate boss, Vicente Carrillo, about it
5 who would then report it to their bosses -- Mayo Zambada and
6 the defendant. And Vicente Carillo cautioned that they had to
7 find out how the defendant felt about the problem. This shows
8 that the defendant had ultimate authority over the route.
9 While Tirso did not get much flack for the first seizures, the
10 Brooklyn and the Chicago one, he said that Carillo told Tirso
11 that the defendant was angry over the third seizure which
12 happened at the train warehouse.

13 Remember Vicente and Tirso would cal the defendant
14 "Patas Cortas," "Short legs"? Following this final seizure in
15 Queens, when Tirso told Vicente they couldn't run the train
16 route anymore, what did he say? Brace yourself, Patas Cortas
17 is angry. He said come up with another hidden compartment --
18 this time box cars instead of tanker cars.

19 If you're asking yourself why are we worried about
20 this case here in the Eastern District of New York?

21 Well, just from this seizure alone, you see the
22 defendant was responsible for bringing almost four tons of
23 cocaine into this district. That is almost 4,000 kilograms of
24 cocaine.

25 Officer Cain told you that this type of cocaine can

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1 be produced and turned into three or four times that much on
2 the street because they add fillers. Officer Cain estimated
3 that the street value for the kilos of cocaine in Chicago,
4 which Rey says is cheaper than New York because everything is
5 cheaper than New York was \$125,000 of cocaine.

6 That means \$500 million worth of profit for mostly
7 the defendant and his allies at the expense of the citizens of
8 the Eastern District of New York, based solely on these seized
9 cocaine loads. And that's just the drugs that were seized.
10 It doesn't account for the other five or six successful
11 shipments to New York which Tirso estimated was somewhere
12 between 15 and 20 tons of cocaine that actually made it onto
13 the streets of New York. And how much is 20 tons of cocaine
14 worth on the streets of New York? Somewhere between
15 \$2.5 billion.

16 If you review the testimony of Miguel Martinez and
17 Tirso Martinez, see how it corroborates each other. You will
18 see it is corroborated by Pedro Flores and the testimony of
19 Chupeta. The barrels of oil hidden inside the drugs in the
20 false walls, the kilograms covered in grease. All of this
21 evidence taken together proves that the defendant is
22 responsible for Violations 20, 21, and 22.

23 Now, before Tirso started the train route from 2000
24 to 2003, that he inherited from the defendant's Compadre
25 Alfredo Vasquez. Tirso told you that after Alfredo Vasquez

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1 stopped managing the train route, Tirso took it over himself,
2 the route was closed about a year. During that year, Tirso
3 smuggled cocaine into the United States for the Cartel by
4 cargo trucks. That resulted in the seizure in El Paso, Texas
5 in 1999. This is Violation 23. Remember it's the shoe box
6 seizure.

7 Tirso testified that a trafficker who worked for
8 Vicente Carrillo by the name of Sombrita called him and ask
9 Tirso if Tirso could help him bring a thousand kilograms of
10 cocaine from El Paso to Chicago. The plan was to use a cargo
11 truck like the ones you see on the highway. Sombrita gave
12 Tirso a warehouse in El Paso to use to store the cocaine
13 before it was loaded on the trucks. Some of the cocaine was
14 found in a truck which was parked by a warehouse and three of
15 Tirso's workers were arrested.

16 You might remember seeing the photos of the truck,
17 the shoe boxes, and the stacks of the cocaine taken outside
18 the shoe boxes. And DEA Agent Robert Johnson testified that
19 he was in El Paso on September 15, 1999, and that he was
20 tailing an undercover agent who was posing as someone who
21 transported drugs from El Paso to Chicago. Agent Johnson's
22 surveillance led them first to ^ \$3500 ^ 3,500 pounds of
23 marijuana. And then, from there to a warehouse that had a
24 tractor trailer parked in front of it. They searched the
25 tractor trailer and they found that it was filled with shoe

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1 boxes. They started opening the boxes. Initially, the shoe
2 boxes just contained shoes. But they kept opening box deeper
3 and deeper in the truck. Those shoes turned out to be a cover
4 load because they started finding shoe boxes filled with
5 cocaine. Like the oil for the trains or the fish for the
6 Juanitas, the shoes were a cover or a cover load to make an
7 illegal business look legal.

8 Eventually, 1,097 kilos of cocaine was covered from
9 the truck. And you know it's cocaine because you have the lab
10 reports in evidence.

11 Now, how does the seizure connect to the defendant?

12 Let's step back for a minute and talk about what was
13 happening in the cartel around this time. As we discussed
14 earlier, in 1999, there was a shift in the cartel: Amado
15 Carrillo had died. And Tirso told you, once that happened,
16 Amado's brother and Tirso's boss, Vicente Carillo, he reported
17 directly to Mayo Zambada.

18 During this time the defendant was in jail. But as
19 we heard from Rey Zambada, Tirso Martinez Chupeta, Miguel
20 Martinez, he continued to lead the cartel from jail and relied
21 on other cartel members to support him while he was locked up.
22 As we've talked about a lot today there was a benefit of
23 working together as a cartel: They rely on each other because
24 there was strength in numbers. The more drugs and territory
25 each leader controls, each successful crime each leader

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1 commits, the stronger the collective becomes. And, it's for
2 this precise reason, as I expect the judge will instruct you,
3 that the law holds that each member of the cartel responsible
4 for the reasonably foreseeable crimes of the other members.

5 Now, Miguel told you that, when the defendant first
6 went to jail, he turned over defendant's entire drug business
7 to the defendant's brother Pollo or Arturo Guzman. And
8 Alfredo Vasquez was working for Pollo at that time. But, by
9 the time Tirso hooked one Vasquez a few years later, Vasquez
10 had told Tirso that the defendant wasn't happy with how his
11 brother, Arturo, was running his drug business. And by 1996,
12 '97, the defendant decided to have Mayo Zambada manage his
13 business. Vasquez was thrilled, because this meant more
14 successful drug loads and more money for him.

15 So, by the time of the 1999 seizure in El Paso, as
16 multiple witnesses have told you, Mayo Zambada and the
17 defendant are both leaders of the Sinaloa Cartel, and the
18 defendant is relying on Mayo Zambada to manage the drug
19 shipments along with the Beltran Leyva brothers and Pollo when
20 defendant is in jail. Tirso told you that the drugs seized in
21 El Paso belonged to Mayo Zambada and Vicente Carillo. The
22 defendant certainly knew that Mayo Zambada was sending drugs
23 to the United States in 1999; under the law, that means the
24 defendant is guilty for the shipment. The rule is pretty
25 simple: Everyone in a conspiracy bears responsibility for a

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1 crime committed by one of the co-conspirators.

2 Now, you heard from Tirso Martinez that the
3 defendant and Mayo managed drug shipments while he was in
4 prison in the 1990s. You heard from many other witnesses as
5 well Vicente Carrillo Fuentes and Mayo Zambada were partners
6 of the defendant who agreed to traffic drugs together. That's
7 a conspiracy. And Tirso gave you the details: A load of
8 cocaine in El Paso set it be shipped in cargo trucks hidden in
9 shoe boxes seized by the Government and that's exactly what
10 you heard from Special Agent Johnson. Shoe boxes on a cargo
11 truck in El Paso, filled with cocaine.

12 I submit to you that once the defendant had people
13 like Mayo Zambada moving cocaine for him, it was reasonably
14 foreseeable that they would agree to do it -- send cocaine to
15 the United States, some of it successfully, some of it seized
16 like the shoe boxes in El Paso. So under the law that
17 Judge Cogan will instruct on, you can find the defendant
18 responsible for Violation 23 as well.

19 Next Violation we're going to review is Violation
20 25.

21 This was a 20 kilograms of heroin that the
22 defendant's workers delivered to the Flores twins in Chicago
23 on November 13, 2008. What the defendant didn't know was that
24 it was not going to the Flores twins -- they were cooperating
25 with the Government. Instead an undercover officer met with

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1 the defendant's worker in a Home Depot parking lot and
2 received heroin that the defendant sent to Chicago.

3 Now, how do you know the defendant is responsible
4 for this Violation?

5 Well, the first witness that testified about this
6 was Pedro Flores. Remember he and twin brother Margarito had
7 already moved 15 tons of cocaine for the Sinaloa Cartel when
8 Pedro gets kidnapped in 2005. Margarito, the twin brother,
9 went to the defendant to have the defendant save his life
10 which he did. Remember the story that once he gets released,
11 they drop him off in the desert, they just give him a phone
12 cell phone and calls his brother and there was a tearful
13 reunion. The heartfelt words of his twin brother was, "You
14 stink."

15 After the rescue, the twins went to see Mayo and to
16 their surprise May shook their hands and thanked them for the
17 15 tons of cocaine that they had already distributed for the
18 defendant and Mayo.

19 Next the twins went to see the defendant. At that
20 meeting, the defendant explained what had happened: That he
21 had recorded one of his middlemen between the twins and the
22 defendant. And because of that recording, the defendant
23 believed Pedro and that was why the defendant saved his life.
24 Does that sound familiar? This is what the defendant liked to
25 do. He liked to secretly record people.

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1 And at this meeting the defendant arranged with the
2 Flores twins to send them drugs, cocaine and heroin, directly
3 to them cutting out the middleman. And over the course of the
4 next three years, until the twins surrendered to law
5 enforcement, the twins received over 38 tons of the
6 defendant's and Mayo's cocaine, and they received over 200
7 kilograms of the defendant and Mayo's heroin.

8 Pedro testified that he moved the tons of the
9 defendant's cocaine right here to New York and they had a
10 stash house that was so close to this courthouse that it had a
11 view of the Brooklyn Bridge.

12 Now, over these three years, the twins will
13 communicate with Juancho, Juan Guzman Rocha, the defendant's
14 right-hand man, as well as Alfredo Vasquez. For Mayo, they
15 communicated with German Olivares, and others. Again, here
16 you can see the 50/50 partnership between the defendant and
17 Mayo working closer. And because they normally get cut out,
18 the twins were working with each side, each of the right-hand
19 men of the defendant and Mayo, Juancho and German. Who else
20 besides Pedro testified about German Olivares? You heard
21 about that from Vicente and Rey Zambada. Who else besides
22 Pedro Flores testified about Juancho. You heard about that
23 from Rey Zambada, Vicente Zambada, Alex Cifuentes, Damaso
24 Lopez. You heard a lot of the intercept between the defendant
25 and Juancho themselves.

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1 Now, business was booming until the war broke with
2 the Beltran Leyva Organization. And you heard from Pedro that
3 the twins could no longer supply the Beltran Leyvas and the
4 defendant and Mayo. They had to pick a side in the conflict.
5 Realizing that this was a lose-lose situation, and that they
6 would likely be killed, they took the only choice they felt
7 was available to them: Cooperation with the
8 United States Government.

9 They bought a recording device at Radio Shack in
10 Guadalajara and began recording as many of their colleagues in
11 the Sinaloa Cartel as possible.

12 Fast forward -- Margarito comes back from a meeting
13 with the defendant and Mayo and has agreed to accept and
14 distribute heroin in Chicago for both of them. Vicente
15 Zambada testified about this meeting as well.

16 Specifically, the defendant agreed to send the twins
17 18 kilograms of heroin. The main person who is going to
18 handle the logistics of this deal was the defendant's son,
19 Alfredillo. You know now that the twins were cooperating with
20 the DEA and instead of the twins, it was delivered to an
21 undercover cop that was received at a Home Depot near Chicago.

22 You heard the testimony of the undercover cop,
23 Officer Elias who met with the defendant's workers in the
24 Home Depot parking lot and you saw the actual bricks of heroin
25 that came from the defendant. You also saw the lab report

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1 because they're in evidence.

2 Officer Elias testified that he was supposed to pick
3 up 18 kilograms of heroin, but it turned out to be 20.

4 How do you know Pedro is telling the truth?

5 You heard the recorded communications of calls that
6 he made. Because he was a cooperator at the time, he recorded
7 this deal and you heard those calls including the defendant
8 himself acknowledging this heroin deal.

9 So let's look at some of these calls.

10 The first one was a conversation that they recorded
11 between Margarito Flores and the defendant's son Alfredillo
12 Guzman which they talk about 18 kilos just like you said. You
13 then saw the calls and heard the calls between the defendant's
14 worker who spoke of Pedro Flores about where they were going
15 to deliver the drugs to Manheim and Lake. And you also heard
16 that same person call the undercover officer Elias also
17 talking about Manheim and Lake. The defendant's worker was
18 the same person and Officer Elias was able to identify the
19 worker's voice both in the call that he had with the worker as
20 well as identified the voice that Pedro Flores had with the
21 worker. So you now it was defendant's worker on both of those
22 calls.

23 So what did Pedro do when he realized there were 20
24 kilos rather than 18? Well, he called the defendant's son,
25 Alfredillo and you head that call where Alfredillo is going to

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1 set up the call with his dad, the defendant, and Pedro. And
2 when that call didn't happen, Pedro then when Juancho, also
3 known as Virgo. You heard Juancho and Pedro talk about their
4 work together and Juancho explained that he, Juancho would set
5 up a call to the defendant. He would get the defendant to call
6 Pedro.

7 So what happened? Pedro came through with his
8 promise. And later that night Pedro testified that he got a
9 call from the defendant. He actually missed the call because
10 he was with people, and so he had to call the defendant back
11 two minutes later.

12 In the return phone call, Pedro talked to the
13 defendant. They discussed the price of heroin that the
14 defendant had delivered to Pedro -- not knowing that it was
15 going to an undercover cop -- but knowing that the defendant
16 was delivering heroin to Chicago. Pedro asked for a discount
17 on the kilos down from 55 to 50. And Pedro told you that
18 means he was trying to get a discount from \$55,000 a kilo to
19 50,000 dollars a kilo. The selling point for the defendant
20 was that Pedro was ready to pay the defendant right away, and
21 the defendant liked that. So the defendant agreed to sell 20
22 kilograms of heroin at \$5,000 less because Pedro could pay him
23 faster. The cheaper the price the quicker Pedro could sell it
24 to pay the defendant. Always about the money.

25 And then the defendant said he would "pick up the

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1 money" over there. After some back and forth about where
2 Pedro would get the money to the defendant, the defendant had
3 said he had someone over there -- meaning Chicago -- to pick
4 up the money.

5 The defendant tells Pedro that there's someone over
6 in Chicago ready to pick up the money. You hear the defendant
7 telling someone next to him to give Pedro a phone number to
8 Lazaro.

9 Surprise, surprise who does he put on the phone?
10 Alex Cifuentes. And whose number does Alex Cifuentes provide
11 to Pedro Flores to pick up the money in Chicago? Lazaro.
12 We're going to talk about this event when we talk the money
13 laundering count.

14 But once it's all settled, the defendant got back on
15 the phone and he and Pedro talked about sending more drugs to
16 Chicago. Because that was the defendant's business.

17 And you know all these calls happened because the
18 DEA recovered the phones and all the call logs.

19 So how do you know it was the defendant on the
20 phone? You had Jorge Cifuentes, Pedro Damaso Lopez, and
21 Vicente Zambada all identify their voices.

22 So the defendant is on the phone three days after 20
23 kilograms of heroin was delivered to Chicago and the defendant
24 acknowledges that the 20 kilograms was sent. The defendant
25 agrees that Pedro could sell it at \$50,000 instead of \$55,000

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1 he acknowledges the amount and the price.

2 So the sworn testimony of Pedro Flores supported and
3 corroborated by Alex, Jorge, Damaso, and Vicente Zambada as
4 well as the undercover cop. And the defendant himself as you
5 heard the calls where he's clearly talking about the 20
6 kilograms of heroin this all supports the Violation beyond a
7 reasonable doubt. Therefore, I submit the Government has
8 prove this Violation.

9 Next, I'm going to discuss Violation 24.

10 This was 409 kilograms of marijuana that was seized
11 in panga boats on the beach in California.

12 You heard from Border Patrol Agent Aguayo that in
13 the early morning hours of January 15, 2012, he was called to
14 a beach somewhere between Los Angeles and Santa Barbara. When
15 he got there, he found many, many bales of marijuana and a
16 quarter mile away he found three men who were hiding behind
17 rocks, and they were wet and sandy.

18 The three men were Mexican citizens. They were
19 arrested and they were brought before a federal court in the
20 Central District of California, the Court for the area where
21 the drugs were found. The three names of the men arrested are
22 important here.

23 Pedro Lopez.

24 Javier Lizarraga Calderon.

25 Rafael Casillo-Juarez.

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1 One of them was represented by an attorney named
2 Humberto Diaz.

3 On the slide here, you have the court docket that
4 shows that these three he men were arrested on the beach with
5 over 400 kilos of marijuana and charged in federal court.

6 So what role does the defendant play in this event?

7 The drugs on the panga boat belonged to the
8 defendant. And how do we know this? Well because Augustina
9 -- who was the defendant's girlfriend who coordinated drug
10 shipments -- texted Guero, a guy, and a guy using an emoticon
11 symbol talking about this drug shipment.

12 Now, who's Guero, or the defendant would call him
13 Wero with a W. He is one of the defendant's U.S. distributors
14 in drugs in Detroit, Phoenix, San Diego, and Los Angeles.

15 What else do you know about Wero? He is all over
16 the defendant's ledgers that were seized from Cabo. They show
17 him involved in shipments of over 9,000 kilograms or pounds of
18 drugs and \$793,000 of drug money.

19 So let's turn to the messages between Guero and
20 Augustina on that day, January 15, 2012 -- the date of
21 seizure. That day, Augustina is asking Guero if someone can
22 go "into the water there to pick up some grass." She's clear
23 that she wants grass in Los Angeles on the shore to sell. So,
24 right away, you know this is the defendant's shipment because
25 you know that Augustina and Guero are his distributors.

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1 What Augustina doesn't know that when she was
2 sending this text message the Border Patrol is already on to
3 them. That same day, it would seize the drugs and arrest
4 three crew members. Augustina soon finds out because if you
5 read the bottom message she says, Yesterday at 4:00 a.m., in a
6 boat, on the water, to Santa Barbara, they caught three people
7 and seized 400K of marijuana. Check to see if it comes out.

8 That's exactly what happened and you heard the sworn
9 testimony of the officer who seized the drugs and caught the
10 three people.

11 But the defendant himself is personally involved in
12 this event.

13 How do you know that because the defendant was
14 obsessed with finding lawyers for the three men who had been
15 arrested. You know this because the defendant texted over the
16 Flexispy system to Fiera and a few days later after the
17 marijuana was seized on the shore, he discussed that seizure.

18 And, in fact, the defendant gave Fiera the name of
19 the three men who had been arrested. The same three men who
20 were on the public record. He also gave the name of a public
21 defender. And the defendant wanted Fiera to contact a lawyer
22 to "find out what they're saying." You know what that means.

23 A couple of days later, the defendant wants to
24 know -- what did the lawyer say? And, again, the following
25 day, the defendant wanted to know what the lawyer in

1 Los Angeles was saying.

2 So why is the defendant so concerned about these
3 three guys. It's not out of the goodness of his heart -- it's
4 because they were transporting his drugs. Why else would the
5 defendant care? Because he wanted to find out if they were
6 cooperating. Meaning, if they were telling the details about
7 the defendant's marijuana distribution route off the coast in
8 between Santa Barbara and Los Angeles.

9 And when they don't seem to make any progress with
10 the public defender, they ask for some personal information so
11 they can make the three arrested men to trust who is sending
12 the lawyer. And who is sending the lawyer? The defendant.

13 And why does the defendant want these three guys to
14 know that it's the defendant sending them their lawyer. It's
15 to scare them from doing anything that would hurt the
16 defendant's interests -- like gave any details of the
17 shipments of the drugs or where the boats came from, where the
18 marijuana came from, or that the drugs belonged to the
19 defendant.

20 (Continued on the next page.)

21

22

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24

25

1 MS. GOLDBARG: The defendant is making it clear
2 that he, himself, is responsible for the drugs. His text
3 messages the text from his workers on the secure network, and
4 the sworn testimony of Agent Aguayo, proves the defendant is
5 responsible for this violation as well.

6 Now we're going to talk about our final drug
7 violation. So we've seen that the defendant was spanning
8 further south into South America, but now the defendant
9 wanted his own workers stationed abroad to source cocaine.
10 And he wanted them to personally transport it from South
11 America and Mexico for the ultimate transportation to the
12 United States. This way the defendant controlled the full
13 circle of the transportation route.

14 His plan to send pilots to South America worked
15 well, until it came crashing down on January 30, 2014. On
16 that date Colombian authorities seized the defendant's
17 cocaines and weapons before it left the runway. This is the
18 seizure of 403 seizures of cocaine, RPGs, and cocaine that
19 you saw from the runway in Ipiales, Mexico, which you
20 learned is a small town close to the Ecuador/Colombian
21 border.

22 Now, you'll recall the testimony of Isaias Valdez
23 Rios, he was the last cooperating witness that you heard
24 from in this trial. The defendant called him Memin. And
25 Memin held a variety of jobs for the defendant. He began

1 working for the defendant in 2004 as a member of the
2 security detail before becoming one of the defendant's
3 secretaries and then pilot. What is the evidence that ties
4 this to the defendant?

5 The cocaine load was eventually seized on
6 January 30 was supposed to be flown by people Memin. But a
7 broken wrist led to a last minute change in plans. Even
8 though Memin did not make the trip, he planned extensively
9 for the trip and exchanged messages with the defendant with
10 what is known as the Office service. And he had Memin meet
11 with representatives in Colombia. Memin testified that the
12 official at airport in that the location had been corrupted
13 through the defendant through one of his workers, Hector
14 Cornel Castillo, also known as Ricon.

15 Memin testified that he was planning a location,
16 Ipiales, as early as October 2013 over Blackberry messenger,
17 with the layer systems -- with the layer of workers who
18 communicated with the defendant with the Office screening.

19 Memin testified that the Office, was commonly
20 referred to as the Offices of El Chapo. How do you know
21 that the defendant was responsible for these violations? We
22 showed you the intercepts. You know this is true because
23 you saw the actual intercepts that U.S. law enforcement was
24 able to intercept. In those messages, Memin is speaking
25 directly to the defendant, as well as secretaries who

1 relayed messages on his behalf.

2 For example, in this message communication
3 October 9, 2013, Memin talked to the Office about a new
4 traffic route from Ipiales. The Office 2 says, Bro you're
5 going to go to the border between Ecuador and Colombia.
6 It's called Ipiales. You are going to go through. You are
7 going to head, to Manta. And from Manta to Ipiales, you are
8 going to do that route. Because over there an arrangement
9 can be made with 100 percent security. You know what
10 arrangement can be made with 100 percent security. It means
11 the worked.

12 Memin testified that the defendant himself
13 communicated over the Blackberry messenger system, over the
14 Office system. How do you know it was defendant
15 communicating? Well, Memin is familiar with the defendant's
16 communication patterns, the terms of phrases, and overall
17 his role as top boss within the Sinaloa Cartel.

18 In this communication on October 10, 2013, Memin
19 speaks directly with the defendant about a potential
20 shipment from the defendant. In his own words, Memin is
21 concerned, he has questions about the security about taking
22 the route from Manta to Ipiales. What does the defendant
23 respond? He says, quote, No, don't believe it. It's all
24 lies. One arrived yesterday. And a week ago another one
25 arrived from Belize, a 210. What do you mean they are

1 shooting down planes? If they were shooting them down, why
2 would I tell you to go when I'm going to lose the plane and
3 the merchandise, that the wouldn't be good for me. And to
4 lose you would be even worse.

5 So what is the defendant telling Memin in this
6 conversation? He's saying despite these rumors he was able
7 to obtain a 210 a plane from Belize the week before. The
8 defendant is acknowledging, if there were risks he wouldn't
9 take it and lose first the plane, and second, the cocaine,
10 and then he showed some concern for his workers.

11 Now, a skeptical Memin pressed further. The
12 defendant explained that the route was completely secure.

13 He said, quote, Go check the weather because an
14 airplane arrived from there yesterday and go check the
15 airplane to fly it first so you can go. And get the
16 coordinates for Ipiales. It was decided over there because
17 it was well squared off from top of the military and the
18 police. There aren't any police officers like other times.
19 This trip you'll be arriving is all arranged.

20 So what ask the defendant telling Memin is, he's
21 saying, don't worry, we got everyone paid off, the military,
22 the police, you'll be safe, the drugs come out.

23 Then again in this communication just two days
24 later, Memin speaks with the Office, further details about
25 the planned shipment out of Ipiales. The Office connects

1 Memin with another Sinaloa Cartel employee based in Colombia
2 by the nickname of Ricon. They pass pin messages back and
3 forth. Ricon is in Colombia working with the defendant to
4 corrupt airport officials in Ipiales, and handle ground
5 logistics, cocaine, weapons, the shipment Memin was going to
6 fly back to Mexico into the hands of defendant prior to them
7 being brought into the United States.

8 Memin communicated with Ricon, as requested;
9 however, while planning for the Ipiales shipment, Memin came
10 across complications, that's when he broke his wrist and he
11 couldn't fly. But on January 29 and 30 the Office contacted
12 Memin again asking him to get in contact with Ricon about
13 the final shipment logistics. Memin, as we know, never took
14 that flight. The Office contracted a different pilot to go,
15 and then the drugs never made it off of the airport.

16 Now in sum, Memin told you about a cocaine
17 shipment, approximately 300 to 400 kilos, from Ipiales, a
18 Cessna 210 would be used to conduct the shipment. The route
19 was supposed to be secured through corrupt officials. The
20 Office asked him to get in touch with Hector Cornel Castillo
21 Ricon so that he would coordinate the arrival in January
22 '14.

23 But you also know this is true because you heard
24 it from the testimony of the two Colombian officials who
25 arrived at airport inform Ipiales on January 30, 2014.

1 Colombian National Police Officer Tapasco, who appeared here
2 before the holiday break. He testified that on January 30,
3 2014, he flew from Cali to Ipiales landing in the airport.
4 Remember that before he landed he saw the white truck as it
5 was trying to leave the airport, which ended up driving into
6 a ditch. Upon further inspection he found barrels of
7 gasoline, a pump, a hose in the back of the truck, equipment
8 he testified was used to refuel the plane. What did the
9 Colombians next find, airplanes at the end of the runway.

10 So in sum, you heard on January 30, 2014, they
11 interdicted a shipment of cocaine at Ipiales. The shipment
12 was via use of a small plane, consistent with the 210. The
13 shipment consisted of 403 kilograms of cocaine. Remember
14 that there were three RPGs and 49 40-millimeter grenades.
15 The discovery is consistent with the drugs shipment that the
16 Memin testified was planned; supported by the intercepted
17 communications between Memin and the defendant over the
18 Office system.

19 You also know that the defendant is responsible
20 for the shipment because of the letters that the defendant
21 sent to his to Damaso Lopez. Remember, the defendant sent
22 these letters in the spring of 2014 and here they are
23 displayed on the screen. The handwriting of the letters to
24 Damaso matches the handwriting in the personal letters the
25 defendant sent to Lucero Sanchez. Lucero testified that she

1 both received letters from the defendant in the past and she
2 was also present with the defendant on multiple occasions
3 when he created the handwritten material.

4 Now, more importantly, the handwriting matches
5 what handwriting expert, John Paul Osborne, referred to as
6 known sample, which was derived from the defendant's own
7 handwriting letters that he prepared while he was in prison
8 here in the United States. Let me take a moment to remind
9 as to you the expert's analysis. Remember Osborne, a
10 handwriting expert, fourth generation examiner in his
11 family, he testified as to some the methods of his
12 comparison. So he had a known sample of the defendant's
13 letter written in jail and he compared it to the letters the
14 defendant sent to Sanchez and the defendant sent to Damaso
15 Lopez. The walked us through how he walked through the
16 unique characteristics in the way the words were written all
17 the way down to the specific letters that were formed.

18 Remember, Osborne testified that it was highly
19 probable, which in his field was a virtual certainty that
20 this was the defendant's handwriting. Now, a portion of the
21 letters the defendant wrote to Damaso written after the
22 January 30, 2014, seizure in Ipiales, after the defendant
23 himself was arrested in February 2013, provided multiple
24 references that considered together show the defendant has a
25 personal interest in the Ipiales operation.

1 In this letter the defendant is seeks to recover
2 what items remain in control of the on-ground operation in
3 Ipiales. A portion of the letter in question make reference
4 to what are essentially left-overs from the Ipiales seizure,
5 as well as the person responsible for shipping them. It
6 says, quote, And Ricon has 320 kilos, and 443 of the 40, and
7 13 of the RPG-7s. Pick up everything, any way possible.

8 The defendant is ordering a salvage mission to get
9 the remainder of what he left in Ipiales.

10 So how does the contents of the letter support
11 what Memin and the Colombian officials testified to? The
12 defendant references 322 kilograms of cocaine, RPGs, and
13 40-millimeter grenades, and a worker Ricon. So you know
14 that they are talking about the Ipiales seizure.

15 So what do you have when you look at this
16 violation all together? You heard the direct testimony from
17 the Colombian law enforcement officers present for the
18 seizure. You heard the sworn testimony from Memin, who laid
19 the groundwork to fly the plane until he broke his wrist.
20 You saw the intercepts where Memin talked with the Office,
21 which we know is a filter system, about the flight. You saw
22 the defendant's handwritten letters to Damaso corroborating
23 the RPGs, the 40-millimeter grenades, the kilograms of
24 cocaine, and the presence of the defendant's other worker
25 Ricon.

1 These 443 kilograms of cocaine and the weapons
2 were the defendant's, ladies and gentlemen. And you should
3 believe that the Government has proven this violation as
4 well, this is Violation 19.

5 THE COURT: We're going to take our mid-afternoon
6 break, ladies and gentlemen. Remember not to talk about the
7 case. We'll reconvene at 3:30 p.m.

8 (Jury exits.)

9 THE COURT: What do you think?

10 MS. GOLDBARG: I will be finished today, your
11 Honor. I may need a couple minutes after 4:30, depending on
12 what time we return.

13 THE COURT: We'll try.

14 MS. GOLDBARG: Thank you.

15 (Brief recess.)

16 THE COURT: Please bring in the jury.

17 (Jury enters.)

18 THE COURT: Everyone be seated. Back to you,
19 Ms. Goldbarg.

20 MS. GOLDBARG: Thank you, your Honor.

21 So Count One, we're almost done. As a reminder,
22 ladies and gentlemen, there is evidence in the record of
23 every single seizure, including the lab report and the
24 photos and the videos. So during deliberation any time you
25 want to ask for those, please feel free to do so.

1 Let's now review the last violation of Count One,
2 which is the murder conspiracy. Specifically the defendant
3 is charged with conspiring to kill or cause the intentional
4 killing of people who posed a threat to the Sinaloa Cartel.
5 The Judge will instruct you that in order to prove the
6 defendant is guilty of this violation, the Government must
7 prove the following two elements.

8 First, the Government must prove that the
9 defendant was engaged in a drug conspiracy as he's been
10 charged in Counts Two, Three, and Four. We're going to
11 discuss those in a minute. But I submit, the Government has
12 proven beyond a reasonable doubt that the defendant is in
13 fact guilty of those counts.

14 Next the Government must prove that the defendant
15 agreed with at least one person to kill someone who posed a
16 threat to the Sinaloa Cartel. What is important here,
17 ladies and gentlemen, is that the Government does not have
18 to prove that the target of a murder conspiracy was in fact
19 killed. We only have to prove there is an unlawful
20 agreement to do so.

21 Now you heard about a lot of murders during this
22 trial. To find this violation proven, however, all you need
23 to do is find that the defendant agreed with at least one
24 person to kill one of his many victims you heard about over
25 the last many months.

1 This group of murder targets who posed a threat to
2 the Sinaloa Cartel falls into two different categories.
3 One, people suspected of being informants against the
4 Sinaloa Cartel; and two, enemies of the Sinaloa Cartel.

5 The first category we're going to go through are
6 those who possessed a threat because they were us suspected
7 of being informants against the Sinaloa Cartel. You already
8 know about two of the defendant's intended victims who fall
9 into the first categories, informants, because they
10 testified at this very trial.

11 You heard from Miguel Martinez. Miguel testified
12 he was loyal and he was a loyal and trusted worker for the
13 defendant. They were close friends.

14 Miguel was arrested in Mexico in 1998 wanted on
15 U.S. charges. At first, Miguel is fighting extradition, he
16 was still loyal to the defendant. But it was expensive to
17 fight extradition. And when Miguel needed money, he had to
18 sell the house where one of the defendant's wives were
19 living.

20 Ladies and gentlemen, the defendant saw this as a
21 sign of disrespect. How did he handle being disrespected?
22 He tried to have Miguel killed, his former best friend. Not
23 once, not twice, not even three times, but on four separate
24 occasions.

25 Do you remember Miguel's testimony about the last

1 time the defendant tried to have him killed? It was
2 chilling. He was held in an isolated prison cell for his
3 own protection. Miguel heard a band playing all night long
4 outside of the jail cell playing one of the defendant's
5 favorite songs. Remember the song, Live your life
6 intentionally because the only thing you take with you is
7 soil.

8 While Miguel was in the cell, men armed with guns
9 and grenades threw the grenade. And the only reason he
10 survived is he hid in the bathroom.

11 You know why the defendant wanted Miguel dead, I
12 submit it's because the defendant was worried that his
13 right-hand man, the person who knew most about him, was
14 going to cooperate against him. You know from German
15 Rosaro, someone who never met Miguel, that the defendant's
16 worst nightmare came true. The defendant told Rosaro that
17 Miguel was going to testify against him, the defendant, in
18 the United States. In fact, you heard from Miguel that was
19 the case. Disloyalty against the defendant was enough
20 reason to want Miguel dead. And cooperating against the
21 defendant was the ultimate disloyal act.

22 You heard from another one of the defendant's
23 victims in this case, the defendant's IT guy, Christian
24 Rodriguez. Christian was alerted to the threat of his
25 safety from the very system he had set up. He heard a call

1 during which Alex Cifuentes and his mother discussed the
2 fact that it had been confirmed that Christian was
3 cooperating. This frightened Christian enough to cause him
4 to flee to the United States permanently.

5 You also heard testimony from Alex Cifuentes and
6 you saw the Blackberry messages between Alex and his mother
7 that Christian was responsible for Jorge Cifuentes' arrest.
8 Alex told his mother, The communication guy was the one who
9 blew the whistle. The communications guy was the one who
10 did the bad deed.

11 What Christian didn't know at the time was that
12 the defendant was the one who had alerted Alex to the fact
13 that in the defendant's mind that Christian was responsible
14 for Jorge's arrest and that Christian could be a danger to
15 them all.

16 How did the defendant react to the fact that
17 Christian was cooperating? The defendant told
18 Alex Cifuentes Jorge's brother, to look for Christian and
19 kill him. Alex as a result of defendant's orders, Alex did
20 in fact try to find Christian. He had a secretary try to
21 find him in Colombia. Try to Google him, find him on
22 Facebook, he even reached out to the defendant's other IT
23 guys, Gordo, to try to find Christian. Luckily no one knew
24 his last name and they never found him, that is why he was
25 able to testify before you.

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1 When the defendant ordered Christian to be killed
2 and when Alex took steps to find Christian, that right there
3 is a murder conspiracy. The illegal agreement was formed
4 and that is the crime.

5 (Continued on next page.)

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Summations - Ms. Goldberg

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MS. GOLDBARG: And the reason the defendant wanted Christian killed? Again for cooperating with the law enforcement, for acting against the interest of the Sinaloa Cartel. The defendant ordered Christian killed because he was a threat to the defendant. The defendant was willing to kill his best friend and his IT guy. It didn't matter to the defendant who they were. If they were disloyal, they posed a threat and they had to die.

And you know the defendant's philosophy about who lives and who dies when they pose a threat to him. You know because Lucero Sanchez Lopez told you. Remember what she said. When the defendant found out that Juancho was dead, he turned to her and said, Some words that I did not like. The defendant told Lucero, whoever betrayed him was going to die, regardless of whether they were family or women...if people ratted him out, they were going to die.

Let's talk about some of the victims that weren't as lucky as Miguel or Christian. Let's briefly discuss the murders, the four murders that the defendant was successful in committing.

Now I just mentioned the death of Juancho or Virgo, Juancho Guzman Rocha. You know the back story how this happened from Damaso Lopez Nunez.

The defendant was having lunch with Damaso

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1 when the defendant learned that Juancho had lied to him
2 about whether he was in Culiacan or not. The defendant
3 became enraged and ordered his sicario Negro to get Juancho
4 picked up or kidnapped. That is an agreement.

5 And what happened once Negro picked up
6 Juancho? The defendant ordered Juancho killed.
7 Unfortunately, Juancho's friend, Guero Bastidas, was caught
8 in the crossfire and he ended up being killed too.

9 You don't have to only rely on Damaso's
10 testimony to link the murder of Juancho to the defendant.
11 You also heard about the defendant's order to kill Juancho
12 from Memin, Isaias Valdez Rios. Memin testified that he
13 received an order, through one of the defendant's personal
14 pilots, Cachimba, to go pick up an individual to be an
15 informant. We now know that pick up is another word for
16 kidnap. But before he made it to Cachimba to carry out
17 these orders, they were informed that the defendant's
18 sicario Bravo had already picked the informant up.

19 When Memin inquired about the identity of the
20 informant who was the subject of that order, Cachimba told
21 Memin that it had been Juancho or Virgo. When Memin, who
22 had communicated with Juancho on a regular basis when he was
23 a secretary for the defendant, he asked Bravo why Juancho
24 was killed. Bravo told him it was because the defendant
25 believed that Juancho was an informant for the DEA.

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1 This brings us back to the words of Lucero
2 Sanchez Lopez. Now, there is no evidence that she knew
3 Virgo. In fact, when she learned of Virgo's death she just
4 so happened to be eating breakfast with the defendant when
5 his underling informed him of the killing. But she realized
6 Virgo was killed at the defendant's order when he reacted
7 defiantly to the news of the death. Juancho died, not
8 because he lied about where he was that day, Juancho died
9 because he betrayed the defendant; he ratted him out. To
10 use the defendant's words, he dies regardless of whether he
11 was family.

12 Negro's fate was sealed a few years later.
13 Due to the rumors after the defendant's arrest in Mazatlan
14 in 2014, the defendant suspected that Negro was an
15 informant. The defendant wanted Negro dead because the
16 defendant thought Negro was the one who had turned him into
17 the marines in Mazatlan.

18 Remember what Damaso told you, he said that
19 the defendant's attorney passed the order to kill to Damaso,
20 so that Damaso could relay those orders to Mayo. And Damaso
21 did just as the defendant asked.

22 Again, an agreement to kill Negro. And by
23 early April 2014, barely two months after the defendant's
24 arrest in Mazatlan, Negro was killed on the defendant's
25 orders.

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1 Miguel, Christian, Juancho, Negro, they were
2 not the only suspected informants who were murder targets of
3 the defendant. There were many others you heard about
4 during this trial, including Polo Ochoa, Cesar Gastelum.
5 The defendant thought that they were both cooperating.
6 Remember, you saw the text messages sent to Damaso asking
7 him to kill Cesar for snitching. Here's an agreement, in
8 writing, directly from the intercepts in evidence.

9 Now, war was the second category of people
10 who posed a threat because they were enemies of the Sinaloa
11 Cartel. And who were the enemies? Law enforcement and
12 rival cartels. In fact, you heard about four narco-wars the
13 defendant led against cartels on behalf of the Sinaloa
14 Cartel.

15 The first war you heard about in this trial
16 was against the Tijuana Cartel run by the Arellano Felix
17 organization. As Rey Zambada explained to you, the Arellano
18 Felix controlled the plaza in Tijuana, which meant they
19 didn't want anyone crossing drugs into the United States
20 over the border without their authorization. And Rey
21 testified that the defendant was crossing the drugs through
22 Tijuana exactly that, without authorization.

23 This, in combination with the murder of one
24 of the defendant's closest associates at the time, someone
25 by the name of Rayo, this led to a bloody war between the

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1 AFO and the Sinaloa Cartel. As Rey described, there were a
2 lot of people killed.

3 And one of the key events in this war was a
4 shootout at Christine's Discotheque. Remember that from the
5 first month of trial. You heard from Miguel, Rey Zambada
6 and Vicente Zambada that the defendant ordered his
7 pistoleros, or his gunmen, to go to Christine's because the
8 defendant heard that the Arellano Felix brothers would be
9 there. As Miguel testified, the defendant sent 25 to 30
10 heavily armed men to go to the club to kill the Arellano
11 Felix brothers, and the defendant was with his men and
12 ordered the shootout. What the defendant didn't know was
13 that the Arellano Felix brothers were expecting him, so
14 instead of a targeted ambush it was a full-fledged gun
15 battle.

16 Now, none of the Arellano Felix Organization
17 members were killed that day, but several innocent
18 bystanders got caught in the crossfire.

19 In retaliation, the Arellano Felix brothers
20 tried to kill the defendant. This led to the attack on the
21 defendant at the Guadalajara airport where more innocent
22 bystanders died. Innocent bystanders like the Cardinal.
23 This event led the defendant to run to Guatemala, where he
24 was eventually captured and sent to the jail for the first
25 time.

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1 Even within the Sinaloa Cartel there were
2 problems. As Vicente testified, from the power, from the
3 money, from the corruption, unfortunately you have
4 jealousies with other people. They feel envious of you and
5 then become problems and that's how wars break out.

6 You heard the sworn testimony of Vicente
7 Zambada and Rey Zambada about the problems that the
8 defendant was having in Navolato, a town just a few miles
9 away from the defendant's base in Culiacan, that led to
10 another war. Specifically, Rodolfo Carrillo was killing the
11 defendant's workers and when he wasn't doing that, Rodolfo
12 was sending the Government to raid the defendant's office.
13 This was threatening the defendant's business, his drug
14 business.

15 You heard from both Rey and Vicente Zambada
16 that there were several meetings between the defendant,
17 Mayo, Rodolfo and Vicente Carrillo to resolve these
18 problems, but Rodolfo Carrillo did not stop, the murders and
19 the problems just kept coming.

20 So the defendant made a decision: He was
21 going have Rodolfo Carrillo murdered. The defendant didn't
22 take the intrusion into his drug business anymore and he
23 decided to end it once and for all. The defendant took
24 matters into his own hands and he met with Mayo in El Azul
25 to discuss this. In that meeting, the defendant told his

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1 partner, Mayo, that he was going to go kill Rodolfo
2 Carrillo, and Mayo agreed. With Mayo on board, the
3 defendant ordered his people to find and kill Rodolfo
4 Carrillo.

5 And who did he send? He sent his most
6 trusted sicario, Negro. This, ladies and gentlemen, is
7 conspiracy to commit murder. There is an agreement and an
8 action carried out that illegal agreement.

9 But as we know from Vicente and Rey Zambada
10 and Damaso's Lopez, the defendant did more than just agree
11 to have Rodolfo Carrillo murdered. He made sure it was
12 done. On September 11th, 2004, as Rodolfo Carrillo was
13 leaving a mall in Culiacan with his wife, the defendant's
14 sicario led by Bravo gunned him down along with his wife
15 outside a movie theater. You heard the dramatic testimony
16 from Rey and Vicente Zambada and Damaso Lopez about how all
17 three of them heard about this from the defendant's
18 pistoleros over the Nextel radio from when it happened.

19 And, as with most wars, there were
20 repercussions and reprisals. This time the defendant's
21 brother, Pollo, was killed in prison in retaliation for the
22 murder of Rodolfo Carrillo.

23 As Rey testified, the relationship with the
24 Carrillo Fuentes' fractured and they became enemies. This
25 led to the start of yet another bloody war, this one was

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1 spilled onto the streets of Culiacan, Navolato, Juarez,
2 which is the Carrillo Fuentes' stronghold. We'll talk about
3 this when we get to Count Nine.

4 Now, with the Carrillo Fuentes' as an enemy
5 of the Sinaloa Cartel, they aligned themselves with the
6 Zetas, another enemy of the Cartel. Remember that Rey
7 testified that the Sinaloa Cartel had already been having
8 problems with the Zetas in the early 2000s. And shortly
9 after the defendant killed Rodolfo Carrillo, Vicente
10 Carrillo, the victim's brother, became one of the leaders of
11 the Zetas. And during this period the defendant even
12 ordered Vicente Carrillo's right-hand man, JL, murdered.

13 Remember Isaias Valdez's chilling testimony
14 about the defendant, what the defendant did to people,
15 specifically Sinaloans, who dared to join the Zetas? They
16 didn't just end up dead, they ended up beaten until they
17 were like rag dolls. They ended up murdered at the
18 defendant's own hands. They ended up meeting their end in a
19 grizzle bonfire, their bones reduced to dust.

20 And then in the late 2000s, the Sinaloa
21 Cartel began to suffer another fracture. This time a break
22 from the Beltran Leyvas, the defendant's own cousins and
23 partners.

24 Vicente testified that the defendant and Mayo
25 started receiving information that Arturo Beltran Leyva was

1 actually helping the Carrillo Fuentes' and the Zetas come
2 into Culiacan, the Sinaloa Cartel's stronghold. In
3 response, the defendant and Mayo started gathering
4 information about the locations of the Carrillo Fuentes' and
5 the Beltran Leyvas.

6 Things got even worse after Alfredo Beltran
7 Leyva, Arturo's brother, known as El Mochomo, was arrested
8 in January 2008. The Beltran Leyva organization, as we said
9 before, suspected that the defendant had set Alfredo up and
10 this pushed things over the edge. Things came to a head on
11 April 30th, 2008, a national holiday in Mexico, remember it
12 was Children's Day, when there are armed confrontations
13 between the defendant and Mayo's people on one side and the
14 Beltran Leyvas/Carrillo Fuentes' sicarios and the police in
15 the middle.

16 You heard from the sworn testimony from Rey
17 Zambada that on that first day of the war with the Beltran
18 Leyvas in Culiacan, just the first day alone, 12 people were
19 murdered. And Rey estimated that there were hundreds of
20 people who were killed during the course of this war.

21 Vicente testified that he didn't even
22 remember exactly how many people were killed, but that it
23 was many, many people.

24 You heard sworn testimony from cooperating
25 witnesses about the defendant's murder targets during this

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1 war, including Nemesio, Velasco, Commander Rafita, among
2 others. You saw the videos surrounding the murders of the
3 defendant's victims during this war.

4 This first video shows the aftermath of the
5 2009 gun battle in a city called Burrion between the
6 defendant's pistoleros and other gunmen from the Beltran
7 Leyva Organization.

8 Isaias Valdez Rios, Memin, was the
9 defendant's own gunmen at the time, told you what happened
10 on that day. Remember, one of the defendant's chiefs of
11 securities, Negro, sent him out on the mission. Valdez and
12 the other gunmen, approximately 40 strong, including
13 Licenciado Damaso's people, Mayo people, Cholo Ivan's
14 people, began in a graveyard where they marked their cars
15 with an X. You saw the X in that video. Suddenly, as they
16 drove towards a gas station, gunfire broke out and both
17 sides began shooting at each other. Valdez testified that
18 he hit someone with his car in the melee and the gunfire
19 continued until seven or eight people were dead on the
20 Beltran Leyva side. Damaso's Lopez also testified about
21 this event and corroborates Memin's testimony.

22 Sometimes death didn't happen so swiftly to
23 the defendant's enemies of the Beltran Leyva organization.
24 Sometimes the defendant drew it out slowly. You know that
25 because you saw the video of the defendant's murder victim

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1 named Guacho. Remember Guacho? He had previously worked
2 for the defendant, but then crossed over to the enemy, to
3 the Beltran Leyvas. Damaso Lopez told you that the
4 defendant had Guacho brought to a warehouse on Damaso's
5 property, where he personally interrogated the defendant.

6 The defendant interrogated Guacho about the
7 location of the gunmen and targets in Culiacan, and after
8 the defendant was finished, he ordered Javier, the voice
9 you're going to hear on this video, continue to interrogate
10 Guacho.

11 (Videotape played.)

12 (Videotape stopped.)

13 MS. GOLDBARG: Guacho is saying Chapo and Mayo
14 ordered him to go.

15 Look at him in that video, he's beaten,
16 handcuffed, just like you heard the defendant's had done to
17 his other victims. And what did the defendant do after
18 Javier was finished with Guacho there? After the defendant
19 got what he wanted from the defendant -- from the victim,
20 the defendant ordered Guacho killed.

21 Ladies and gentlemen, I submit you know it's
22 true the defendant ordered all of these murders because you
23 heard phone conversations between the defendant and Cholo
24 Ivan, one of the defendant's chiefs of security,
25 illustrating the role violence played in this organization.

Summations - Ms. Goldberg

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1 (Audiotape played.)

2 (Audiotape stopped.)

3 Cholo Ivan is telling the defendant, you
4 taught me how to be a wolf. It's clear from the calls you
5 heard and the sworn testimony of the cooperating witnesses,
6 that murder was a tool the defendant used to protect himself
7 and the Sinaloa Cartel. This element and this evidence
8 proves Violation 27, a conspiracy to murder those who pose a
9 threat to the Sinaloa Cartel, beyond a reasonable doubt.

10 Now one more element, this one is easy. The
11 judge will instruct you that in order to meet the final
12 element of a criminal enterprise, the Government has to
13 prove the defendant obtained substantial income or resources
14 from these violations.

15 Now, did the defendant obtain substantial
16 income from the violations? Of course, he did. Before we
17 talk about how the Government has proved that beyond a
18 reasonable doubt, it's important to note that the judge will
19 tell you that there's no magic number of amount that meets
20 the requirement. It is based on your common sense.

21 So what is substantial? If you look at the
22 amount of money the defendant made from selling his drugs at
23 any point in time, you will see that it was substantial, by
24 any standard.

25 Now, we already talked about examples of

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1 substantial income the defendant earned through the
2 violations charged.

3 For example, remember Tirso Martinez
4 testified when he was operating for the defendant, that over
5 three years of successfully sending 2,000 kilograms of
6 cocaine in each shipment to the United States from 2000 to
7 2003, the shipments yielded between 700 and \$800 million.
8 That's substantial.

9 Similarly, Miguel testified that the Chili
10 Can route that you heard about from 1990 to 1993, yielded
11 about 400 to \$500 million per year. That's substantial.

12 Then you also have the evidence from the
13 Juanitas and the submarines and from the ledgers you know
14 how many kilos of cocaine the defendant was getting,
15 thousands and thousands of kilos of cocaine worth tens and
16 hundreds of millions of dollars.

17 And just take a quick look at the ledgers in
18 the Cabo raid that you've already seen. Remember what
19 Melissa Corradetti, the FBI forensic examiner told you in
20 her analysis, the ledgers tracked shipments of 42,996
21 kilograms of drugs and over \$2 million in payments. The
22 date of these ledgers was just six weeks, from October 2011
23 to mid-November 2011. So just for two months, \$2 million.

24 That's not only just substantial, that's
25 extraordinarily substantial income that far exceeds what the

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1 Government has to prove.

2 Ladies and gentlemen, having reviewed this
3 evidence, this mountain of evidence, you know the Government
4 has proven;

5 One, that the defendant committed a federal
6 drug crime that is a felony. In fact, we've proven that he
7 committed dozens of them. All 27 violations in Counts Five
8 through Eight are felony drug crimes. Importation of
9 cocaine, a federal drug crime; international distribution of
10 marijuana to the coast of Los Angeles, a felony federal drug
11 crime; distribution of cocaine, a federal felony drug crime.
12 This element is met.

13 Two, that the defendant committed this
14 federal drug crime in a series of three violations. One
15 through 27, there's no need to go through that again, that
16 element has been met. Let's check it off.

17 Three, the defendant committed these
18 violations with five or more people. You heard from more
19 than five of his direct employees. You heard the defendant
20 giving orders to more than five people on these calls and
21 there was more. So this element has been checked.

22 Fourth, the defendant was an organizer,
23 supervisor or manager of a criminal enterprise. You know
24 that that man right there was one of the long-term bosses of
25 the Sinaloa Cartel. You know how he rose through the ranks

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1 and ended up having and running this 50/50 partnership with
2 Mayo Zambada. Element checked.

3 And, finally, we have the substantial income
4 that came from his drug trafficking activity. Element met.

5 In sum, ladies and gentlemen, the Government
6 has proven beyond a reasonable doubt that the defendant is
7 guilty of Count One of the continuing criminal enterprise.

8 Now, as I mentioned before, you will be
9 getting a special verdict sheet and on that verdict sheet it
10 will ask you a couple of special questions. So after you
11 find the defendant guilty of Count One, you'll be asked
12 these three questions:

13 The first question is about the defendant's
14 role, his leadership role, which is different from elements
15 three and four.

16 The question is whether the defendant was one
17 of several principal administrators, organizers or leaders
18 of the enterprise. This means that the defendant was not
19 only a boss but one of the top bosses of the cartel. This
20 fact is proven if you find that the defendant was one of
21 several top bosses.

22 Now, despite what defense counsel may have
23 tried to suggest throughout the trial, under the law, Mayo
24 Zambada's position in the cartel simply does not matter when
25 it comes to the defendant's guilt here. The only question

Summations - Ms. Goldberg

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1 for you is whether the defendant was one of the top bosses.

2 That's right, ladies and gentlemen, if you
3 conclude that the defendant and Mayo Zambada are both top
4 bosses, this element is proven. If.

5 You conclude that they are both top bosses
6 along with several other top bosses, the element is also
7 proven. If you conclude that they are top bosses, again
8 this element is proven. And I submit the Government has
9 proven this beyond a reasonable doubt.

10 The second special question that you will be
11 asked is about the defendant's income. We talked about how
12 the defendant obtained substantial income, but the special
13 question will ask: Not only did the defendant obtain
14 substantial income, but specifically, did the defendant earn
15 \$10 million in a 12-month time frame. I submit that you
16 know from the evidence, that of course the defendant made
17 this amount in 12 months. In fact, the evidence has shown
18 that almost every single drug shipment that made it through
19 the United States, alone satisfies this amount, this
20 element. I submit that we've proven this special fact as
21 well.

22 And third, the special question is whether
23 the Government has proven that at least one of the drug
24 violations in Count One, the one that involves cocaine,
25 involved at least 150-kilograms of cocaine. Ladies and

Summations - Ms. Goldberg

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1 gentlemen, every single cocaine violation that we reviewed
2 well exceeds 150 amount kilo requirement, so we've proven
3 this one as well.

4 Now we're moving on to Counts Two, Three and
5 Four, which we'll handle together. The path to convict the
6 defendant on these three counts is crystal clear, I submit
7 the evidence is overwhelming.

8 What is a conspiracy? We've been discussing
9 it a little bit today, but as the judge will instruct you, a
10 conspiracy is simply an agreement between two or more people
11 to commit a crime. That's it. It's the agreement. The
12 agreement is the crime.

13 Now, the crime that people agreed to commit,
14 that's called the object of the conspiracy. The object of
15 the conspiracy that does not actually have to happen. The
16 members of the conspiracy just have to agree to commit the
17 crime, not actually do the crime. Let's talk about the
18 objects of Count Two, Three and Four.

19 Now, the object of the conspiracy charged in
20 Count Two is the international manufacturing and
21 distribution of cocaine, heroin, methamphetamine or
22 marijuana and together we'll call this the international
23 drug trafficking. What does that mean? It means that the
24 defendant and at least one other person agreed to
25 manufacture or distributor drugs that they knew would be

Summations - Ms. Goldberg

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1 sent to the United States.

2 So if a boat is filled with cocaine and it's
3 seized by the Coast Guard in the Pacific Ocean, as long as
4 the defendant agreed with another person to send those drugs
5 to the United States, then he's guilty of this crime. Even
6 if the defendant never stepped foot in this country and even
7 if the drugs never made it here, he is guilty of this crime.

8 Let me just repeat that. Even if the
9 defendant never steps foot in this country and even if the
10 drugs don't make it here, he is guilty of conspiring to
11 engage in the international drug trafficking conspiracy.

12 Also bear in mind that we only have to prove
13 that he trafficked in one of four drugs charged: Cocaine,
14 heroin, methamphetamine, or marijuana to satisfy this count.

15 What about Counts Three and Four? The object
16 of Count Three is the importation of cocaine into the
17 United States. What does that mean? It just means that the
18 defendant and at least one other person agreed to bring
19 drugs into the United States from another country.

20 And for violation number four, the object of
21 that is that the defendant agreed with one other person to
22 distribute cocaine with the intent -- I'm sorry, to possess
23 cocaine with the intent to distribute it.

24 (Continued on the next page.)
25

Summation - Ms. Goldberg

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1 MS. GOLDBARG: So if you unanimously find beyond a
2 reasonable doubt that the defendant made an agreement to
3 engage in the international trafficking of cocaine, heroin,
4 methamphetamine, or marijuana, the defendant is guilty of
5 Count Two.

6 For Count Three, if you unanimously find that beyond
7 a reasonable doubt that the Government has proven that the
8 defendant agreed to import cocaine, or for Count Four to
9 distribute cocaine, then the defendant is guilty of Count
10 Three and Count Four.

11 Now, we've already discussed the many, many
12 agreements to send drugs here that the defendant reached with
13 the other people during his 25 years trafficking within the
14 Sinaloa Cartel. And you can pick any of the agreements that
15 you heard about to find the defendant guilty of Counts Two,
16 Three, and Four. Let's go through just a few examples.

17 For Count Two for the international cocaine -- for
18 the international drug trafficking conspiracy, remember the
19 call that we talked about at the very beginning where the
20 defendant and Agustina were discussing her friend in Belize
21 who had supplied the defendant cocaine. Remember she said 700
22 of 95 or 90 percent -- 70 percent purity. By agreeing to buy
23 the cocaine, you know the defendant intended to send those
24 drugs to the United States because, as so many of our
25 witnesses told you, that was where he could turn the cocaine

Summation - Ms. Goldberg

6686

1 into cash for profits.

2 And remember the call that you heard between the
3 defendant and his cousin, the right-hand man, Virgo in which
4 they discuss a bad batch of methamphetamine that was giving
5 the testers a headache? That call is in evidence as well as
6 601F-9LT. And again, as you know from the witness's testimony
7 and from the defendant's other phone calls, the defendant
8 manufactured methamphetamine -- or ice -- to send it or to
9 distribute it to the United States for large profits.

10 How about cocaine importation? As an example, the
11 importation conspiracy, you have the text messages between the
12 defendant and his father-in-law where they are planning the
13 importation of drugs from Mexico into the United States. You
14 know it's about moving drugs over the border. You know that
15 they were talking about an importation to the United States
16 because the defendant advises his father-in-law not to use
17 radios because the border -- meaning U.S. border control --
18 was always listening.

19 And finally, as an example of the cocaine
20 distribution conspiracy, you have the calls where the
21 defendant and the female discussed being able to distribute in
22 the 52 states. That's the United States.

23 Now, with regards to Counts Two through Eight, which
24 are all drug-related crimes, the Government needs to establish
25 what is called jurisdiction or venue. This element, which

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1 only needs to be proved by a preponderance of the evidence,
2 was established through our very last witness. Special Agent
3 Hanratty. When Agent Hanratty testified that when the
4 defendant was extradited from Mexico to face charges in this
5 case, the defendant flew directly from Juarez, Mexico on a
6 nonstop flight to Islip, New York, which is in Long Island in
7 the Eastern District of New York, and I doubt that there will
8 be any dispute about that.

9 So, ladies and gentlemen, the Government has proven
10 Counts Two, Three, and Four beyond a reasonable doubt.

11 Now, once you find the defendant guilty of Counts
12 Two through Four, you will once again see a special verdict
13 sheet, and in that verdict sheet, it will ask you for special
14 findings.

15 The first special finding will ask you whether or
16 not as part of the conspiracy the offense involved 5 kilograms
17 or more of cocaine. Of course it did. If you find in Count
18 One the 150 kilos for violation, and you heard about the
19 thousands of kilos of cocaine that the defendant conspired to
20 bring into the United States, you know it was more than
21 5 kilograms.

22 The Government must next prove that there was more
23 than 1 kilogram of heroin, and you know that from the seizure
24 in Chicago where the Government seized 18 -- sorry, supposed
25 to be 18, but it was actually 20 kilograms of heroin. That

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6688

1 satisfies this amount. Also on the calls that you heard that
2 there was more than 500 grams of methamphetamine. There was
3 well over more than 500 grams of methamphetamine. And the
4 same with the marijuana. The Government must prove that there
5 was over a thousand kilograms of marijuana. That was in the
6 ledger in the Cabo ledgers alone where they were talking about
7 3 tons of marijuana. So, ladies and gentlemen, the Government
8 has proved all four of these special findings.

9 Two more counts to go.

10 The next crime -- the next count in the indictment
11 is use of a firearm in furtherance of a drug trafficking
12 crime, and that's Count Nine.

13 Now, we have discussed extensively the fact that the
14 defendant wielded violence as a method and means of
15 trafficking drugs, and one of the ways he did this was through
16 firearms. For that conduct, the defendant is charged in Count
17 Nine with using a firearm in relation to a drug trafficking
18 crime.

19 Now, to find the defendant guilty of Count Nine, I
20 expect the Judge will instruct you that the Government must
21 prove the two following elements beyond a reasonable doubt.

22 First, that the Government must prove that the
23 defendant was involved in a drug crime, and that includes the
24 crimes in Counts One through Four, and as we have discussed,
25 the Government's proven Counts One through Four beyond a

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1 reasonable doubt, so that element is satisfied.

2 Second, the Government has to prove that the
3 defendant used, carried, or possessed a firearm in relation to
4 these drug crimes. This means that when the defendant was
5 meeting with his associates to talk drug business and he was
6 armed, or when the defendant was engaging in drug business and
7 he was armed -- whether the defendant had the firearm on him
8 for his protection or to bolster his reputation as a violent
9 drug trafficker who had to be respected -- all of these
10 instances are the defendant carrying and possessing a firearm
11 in relation to the drug crimes charged in Counts One through
12 Four.

13 You have seen and heard numerous examples of the
14 defendant doing this. You heard testimony from nearly every
15 cooperating witness who went face-to-face with the defendant
16 to discuss drug business -- Rey Zambada, Miguel Martinez,
17 Chupeta, German Rosero, Pedro Flores, Vicente Zambada, Alex
18 Cifuentes, and Memin. They all saw the defendant carrying a
19 firearm when they were discussing drug business.

20 Many of the witnesses testified that they saw the
21 defendant with this diamond-encrusted .38 Super Pistol with
22 the initials JGL on it that you know all too well by now.

23 And you don't have to just rely on the cooperators'
24 testimony to know that the defendant always carried his
25 diamond-encrusted firearm in his waistband because you have

Summation - Ms. Goldberg

6690

1 the photographs to prove it. Vicente Zambada and Memin told
2 you that this particular diamond-encrusted pistol, the one
3 with the panther on it, was one that they saw the defendant
4 carry frequently.

5 But you also know the defendant's firepower was not
6 limited to pistols when he was conducting his drug business.
7 What other firearms did the defendant carry? You first heard
8 about this from Rey Zambada who testified that he saw the
9 defendant with AR-15s and AK-47s and bazookas; all high
10 powered weapons. And you know it's true from Pedro Flores and
11 other witnesses. And you see it here in this
12 Government Exhibit. You heard from Alex Cifuentes and Memin
13 that the defendant favored a camouflage AR-15 when he was up
14 in the mountains hiding from the military. You saw similar
15 types of camouflaged weapons seized from the Cabo San Lucas
16 raid. You also heard from German Rosero that the defendant
17 had a gold plated AK-47 with a foldable stock that was
18 encrusted with diamonds. And here in evidence you see the
19 defendant pictured holding a gold AK-47. I submit we
20 presented overwhelming evidence that the defendant, himself,
21 possessed and used firearms and weapons in furtherance of his
22 drug trafficking crimes.

23 But that's not the only way that you can find the
24 defendant guilty of Count Nine. The Judge will also instruct
25 you that in this count, the defendant's also charged with

Summation - Ms. Goldberg

6691

1 aiding and abetting the possession of weapons in his drug
2 crimes. As we discussed earlier, aiding and abetting just
3 means that someone carried out the crime, but the defendant
4 helped it happened. Under Count Nine, there are two
5 additional elements the Government must prove how he aided and
6 abetted another crime.

7 First, that the defendant took some action to
8 further the crime; and, second, that he intended to help the
9 crime succeed. This just means that the defendant did
10 something like purchasing the weapons or distributing the
11 weapons, not just for himself to use, but also for *sicarios*
12 and *pistoleros* to use in furthering the defendant's drug
13 trafficking.

14 So what are the examples of the defendant aiding and
15 abetting the use of firearms in furtherance of this drug
16 trafficking? Well, one, you heard testimony from numerous
17 cooperating witness -- Rey Zambada, German Rosero, Vicente
18 Zambada, Pedro Flores, Alex Cifuentes, Christian Rodriguez,
19 and Memin -- about the defendant's security guards they saw in
20 the mountains armed with assault rifles. Why were they armed
21 with assault rifles? I submit they had them to protect the
22 defendant's drug operations in the mountain from the military,
23 from enemies, and from law enforcement.

24 And where did the defendant's security guards get
25 these firearms. It wasn't a bring-your-own firearm situation.

Summation - Ms. Goldberg

6692

1 They had the firearms because the defendant purchased them.
2 You saw numerous examples of this in the ledgers that were
3 seized from Cabo. These notebooks had a shopping list for
4 weapons. You can see that he's asking for 50 AK-47s; 1,000
5 AK-47s; 100-M-16s; and then it says 27 RP7s and R15s. That
6 wasn't the only thing on his wish list. It has grenade
7 launchers, bullets and more.

8 Now we've already spoken about the multiple
9 narco-wars the defendant waged in as one of the leaders of
10 Sinaloa Cartel. The defendant initiated and carried out these
11 wars to protect his territory, to protect his drug empire.
12 The defendant couldn't wage his wars without the tools of
13 warfare like firearms. One of the wars you heard about was
14 the war that the defendant led between the Sinaloa Cartel and
15 his former partner, Vicente Carrillo Fuentes, the leader of
16 the Juarez Cartel, also known as La Linea, all of which took
17 place right across the border in El Paso, Texas.

18 And what happened in El Paso during the war with
19 La Linea on January 13th, 2010? Law enforcement stumbled upon
20 a stash house containing a cash of 40 AK-47s brought to the
21 defendant's coconspirators, as you heard from Edgar Galvan,
22 the purpose, to clean Juarez for the defendant of all the
23 members of La Linea. You saw the 40 AK-47s that were in a
24 cart before you here. Three of them are right here in front
25 of you. You saw the vests. You saw the bullets.

Summation - Ms. Goldberg

6693

1 Well, how do you know these weapons were for the
2 defendant? Well, you know from Vicente Zambada's sworn
3 testimony that the defendant and Mayo were supporting the
4 fight against La Linea and against Vicente Carrillo Fuentes in
5 Juarez with weapons and money. You also know that the cartel
6 got firearms from El Paso, and you know that the 40 AK-47s
7 were for the defendant because they were bought at the
8 direction of Antonio Marrufo, an individual that both Galvan
9 and Vicente Zambada identified as Jaguar.

10 And you know from them both, Jaguar was in charge of
11 fighting in Juarez for the defendant. You also know from
12 Galvan that as part of that role, Jaguar was responsible for
13 moving drugs and guns across the border between Juarez and
14 El Paso, and Galvan helped Jaguar do this. He testified that
15 he helped Jaguar move AK-47s across the border from El Paso to
16 Mexico on about four or five occasions. All of them were
17 successful except the last shipment, the last shipment of the
18 40 brand-new AK-47 assault-style rifles that you saw brought
19 into this courtroom, as well as the bullet proof vest and
20 ammunition. I submit that these weapons were meant for one
21 thing, to clean the Juarez Cartel of La Linea, the defendant's
22 enemies, to help the defendant seize and maintain control over
23 the important drug-crossing point.

24 These were not the only weapons of the defendant's
25 that were seized on the way to being shipped to the defendant.

Summation - Ms. Goldberg

6694

1 You saw the RPGs the Colombian law enforcement officers seized
2 in Ipiales, Colombia on January 30th, 2014, along with the
3 cocaine explosives on that plane. You know that these RPGs
4 were destined for the defendant because he specifically
5 referenced these in his letter to Damaso.

6 Now, if you find that the Government has satisfied
7 these elements, and I submit that we have, the verdict sheet
8 will also ask you a few questions. The first question is
9 whether the defendant brandished or discharged a firearm in
10 furtherance of his drug trafficking. What's brandishing?
11 That just means that the defendant displayed or even referred
12 to a weapon so that others present knew he had the firearm
13 available. I've already walked you through the evidence from
14 multiple cooperating witness as well as the photographs that
15 are in evidence to show that the defendant's preferred method
16 of using a firearm in furtherance of drug trafficking was, in
17 fact, by brandishing it.

18 What about discharge? It's just like what it
19 sounds. The question of whether the defendant fired his
20 firearm in furtherance of his drug trafficking. The clearest
21 evidence of the defendant discharging his firearm came from
22 the chilling testimony of Isaias Valdez Rios who testified
23 about two murders of Los Zetas who the defendant murdered at
24 point-blank range by firing his firearm. Another example is
25 when the defendant personally shot the tortured Arellano Felix

Summation - Ms. Goldberg

6695

1 member at point-blank range.

2 And then there's one more question on the verdict
3 sheet for you. The next question on the verdict sheet is
4 whether the Government proved beyond a reasonable doubt that
5 the defendant committed this firearm offense using a machine
6 gun, and I submit we have proved that beyond a reasonable
7 doubt; that the defendant committed this offense using a
8 machine gun, first through the testimony of Max Kingery.
9 Remember he was the ATF from the Bureau of Alcohol, Tobacco
10 and Firearms expert who testified right before the holiday?
11 He brought the big guns and showed them to you. And from the
12 cooperator testimony of Vicente Zambada and Alex Cifuentes, as
13 well as the defendant's own phone conversation with the
14 *sicarios*, Cholo Ivan.

15 Now you heard from Vicente Zambada that all of the
16 AK-47s that they got from El Paso arrived as semiautomatic and
17 that with their weapons guy they made them all fully
18 automatic. And Vicente testified that they would call these
19 fully automatic weapons *rafagas*, which means spray of bullets.
20 And Alex Cifuentes also testified that the defendant's weapons
21 in the mountains were also *rafagas*, and you've heard about
22 these *rafagas* weapons before when Cholo Ivan was talking about
23 giving them a good spray in retaliation. You know from the
24 testimony of Max Kingery that the weapons that fire multiple
25 rounds when the trigger is pulled in a single instance or a

Summation - Ms. Goldberg

6696

1 spray of bullets are automatic weapons that constitute a
2 machine gun under the law.

3 In light of all of this evidence, ladies and
4 gentlemen, I submit that we have proven Count Nine and all of
5 the special questions beyond a reasonable doubt.

6 One more to go.

7 Now that we've gone over the defendant's criminal
8 enterprise and his drug trafficking, let's talk about what the
9 defendant did with the millions upon millions of dollars he
10 earned from drug trafficking. That criminal conduct is
11 covered in the last charge of the indictment, Count Ten, which
12 charges the defendant with money laundering conspiracy. Once
13 again, we have to prove this count beyond a reasonable doubt,
14 and we have done so.

15 So what do you need to find in order to find the
16 defendant guilty of money laundering conspiracy? Again, the
17 elements of conspiracy are the same. The defendant agreed
18 with one or more persons, but here the object of conspiracy --
19 sorry. But here the object of this conspiracy is to launder
20 drug proceeds.

21 In addition for this element, you must find four
22 elements:

23 First, you must find that the defendant agreed with
24 others to engage in some sort of financial transaction
25 involving money or property derived from drug trafficking.

Summation - Ms. Goldberg

6697

1 This can be as simple as delivering drug money across state
2 lines or international borders, or it can involve a financial
3 institution like a bank.

4 Second, you have to find that the defendant knew
5 that the money or property involved in the transaction was
6 from drug trafficking.

7 Third, you have to find that the money was
8 transferred from Mexico to the United States, the
9 United States to Mexico, or the United States to Colombia.

10 Fourth, you have to find that the defendant agreed
11 with others to launder his money in one of two different
12 ways -- what's known as either promotional money laundering or
13 concealment money laundering.

14 So what do those two terms mean?

15 Promotional money laundering is taking drug proceeds
16 and using that money to promote the drug business.

17 Concealment money laundering means taking the drug
18 money and trying to hide the fact that it came from the sale
19 of drugs.

20 And to be clear, to find the defendant guilty of
21 this count, you don't have to find both promotional money
22 laundering and concealment money laundering. It's sufficient
23 if you find the defendant agreed with others to engage in
24 either one of those types of money laundering. But I submit
25 that, throughout this trial, you have seen overwhelming

Summation - Ms. Goldberg

6698

1 evidence of both kinds of money laundering.

2 Now, I will go through what we've proven, both types
3 of money in a minute. But as an initial matter, I submit that
4 there is no doubt that the defendant knew that the money
5 involved in the transactions we are about to discuss was drug
6 money. You have seen overwhelming evidence of the defendant's
7 lucrative drug business throughout trial, and there's no
8 evidence that the defendant had any other means of income, so
9 I submit that the second element of money laundering
10 conspiracy has been satisfied.

11 Let's first talk about evidence that the defendant
12 agreed with others to engage in promotional money laundering.
13 In other words, evidence that the defendant agreed with others
14 to move money for the purpose of reinvesting it or promoting
15 his drug business. You saw some of this evidence very early
16 in the trial.

17 Remember the Bronco loaded up with cash? You heard
18 testimony from CBP officials who stopped Arturo Guzman, the
19 defendant's brother, on the way back in November 1989 at the
20 Douglas Port of Entry right across from Agua Prieta, Mexico.
21 He was driving a Bronco that was loaded with \$1.26 million in
22 cash bundled in rubber bands.

23 You also heard testimony about this event from
24 Vicente Zambada and Miguel Martinez. Remember what Miguel
25 testified about this event? He said that he had spoken with

Summation - Ms. Goldberg

6699

1 the defendant the day that Arturo was released from prison in
2 the United States. Miguel testified that the money Arturo
3 Guzman was arrested with was drug proceeds, that Pollo worked
4 in the defendant's drug business in Agua Prieta. He also
5 testified unequivocally that the drug money belonged to the
6 defendant. I submit that the drug money Arturo Guzman was
7 arrested with that day was going to Mexico so the defendant
8 could reinvest it in his drug business.

9 And you know that this was not the only example of
10 the defendant using vehicles to get money from the
11 United States back to Mexico for his drug business. You also
12 heard testimony from Alex Cifuentes that the defendant used
13 vehicles with traps -- or *clavos* -- to move drug money from
14 New York back to Mexico. And you know from the testimony in
15 this case that the defendant reinvested his drug proceeds
16 right back into his drug business. And you know from the
17 expert witness on money laundering -- Donald Semesky -- that
18 bulk cash movement like this is a common method of money
19 laundering used by drug traffickers. Drug traffickers are
20 reliant on this type of money laundering so they can pay their
21 expenses and keep the life blood of their organizations
22 flowing.

23 The defendant not only engaged in promotional money
24 laundering by moving money from the United States to Mexico,
25 he also sent his drug money down to Colombia to buy more

Summation - Ms. Goldberg

6700

1 cocaine. How did he do that? Well, you heard about some of
2 his methods from German Rosero -- Chupeta's top lieutenant.

3 (Continued on the following page.)
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Summation - Ms. Goldberg

6701

1 MS. GOLDBARG: German Rosero testified that when it
2 came time for the defendant to pay for the cocaine Chupeta
3 sent to Mexico, he used something called "bajadores" -- or
4 money launderers -- and he planned to use a carbon fiber plane
5 because it was cheap, effective, and could not be detected by
6 radar. And there were several witnesses that testified about
7 this carbon fiber plane.

8 And why did the defendant need to send money to
9 Colombia? To pay for his cocaine and buy more cocaine to ship
10 to the United States -- in other words, to promote his drug
11 business.

12 And there are other examples of money laundering
13 that are promotional money laundering that you heard about at
14 trial and some of the examples are when the defendant gave
15 Cristian Rodriguez a million dollars to purchase and set up
16 his communication network so he could communicate via Internet
17 with his drug trafficking associates in Colombia, Ecuador,
18 Canada, United States -- that's promotional money laundering.

19 When the defendant paid security guards \$2,000 every
20 20 days to protect his mountain hideaway from the law
21 enforcement or the military -- that's promotional money
22 laundering.

23 When the defendant's co-conspirators rented a
24 warehouse in Brooklyn to unload and store cocaine shipments
25 they sent here via train -- that's promotional money

Summation - Ms. Goldberg

6702

1 laundering.

2 You need to look no further than the defendant's
3 secretary's notebooks seized during the Cabo raid to see how
4 the defendant funneled drug money back into the operation.
5 Just look at the exhibit which is an English translation and
6 you will see plenty examples of how this worked.

7 For example, when he's paying his secretary
8 Charly -- the IT guy -- for Blackberries so they can all
9 communicate about the drug business, that's promotional money
10 laundering.

11 You'll also see numerous references to casa de
12 cambios in these notebooks or ledgers.

13 And you heard testimony from the money laundering
14 expert Don Semesky -- drug traffickers commonly use exchange
15 houses instead of banks. And in some instances, traffickers
16 even use these casa de cambios to send their money to
17 United States to pay for their operational expenses -- just
18 like the entry that says, "Delivered 533 to Los Angeles." So
19 all of these financial transactions are examples of
20 promotional money laundering. It's the defendant's use of
21 drug money to carry on illegal goals of his illegal
22 enterprise.

23 Now, let's talk about some of the ways that we have
24 proved that the defendant also engaged in money laundering by
25 concealment.

Summation - Ms. Goldberg

6703

1 We're almost done.

2 We just look at some examples of concealment money
3 laundering using casa de cambios. Remember that Don Semesky
4 testified that drug traffickers also used casa de cambios
5 because the casa de cambios don't have the same relationship
6 with their customers that that banks do. It's easier to do a
7 one-off transaction which, I submit, makes it easier for drug
8 traffickers to hide their identities when moving money.

9 In addition to this, you saw plenty of other ways in
10 which the defendant tried to hide the source of his funds for
11 moving drug money.

12 Remember that call between the defendant, Pedro
13 Flores, and Alex Cifuentes we spoke about earlier? Remember
14 the defendant was speaking to Pedro Flores about picking money
15 up in Chicago. He passed the phone to someone else who was
16 handling the logistics for the money movement -- Alex
17 Cifuentes. This corroborates Alex Cifuentes's testimony that
18 in his role as the defendant's secretary, he was often
19 responsible for moving money for the United States to Ecuador
20 and Colombia. And who does the defendant and Alex reference
21 on this call? Lazaro. The defendant calls him "Laz" and Alex
22 refers to Lazaro.

23 There is a reference to a Lazaro in the Cabo raid
24 ledgers. And you also see a reference to Lazaro and the
25 ledgers of Jorge Cifuentes created when running the Ecuador

Summation - Ms. Goldberg

6704

1 operation for the defendant.

2 Now, where does the concealment part come in about
3 this call? In two ways. First, you heard the defendant
4 joking with Pedro Flores about how late Pedro woke up during
5 the day. He said banks open up during -- sorry -- banks open
6 during the day, you know. I submit he was putting the money
7 in the banking system to hide the nature of the funds. And
8 second, you know from Alex Cifuentes's testimony Lazaro moved
9 money using insurance companies. Legitimate companies that, I
10 submit, rely on the financial system to operate. Companies
11 that allow Lazaro to hide the true nature of the money.

12 You also know another concealment method used from
13 Jorge about Alex Cifuentes and that was debit cards. Alex and
14 Jorge told you about the debit card method they used to move
15 the defendant's money to Ecuador and you know from Don Semesky
16 debit cards are popular among drug traffickers to conceal drug
17 money. Jorge and Alex Cifuentes both testified that Jorge and
18 his partners Juan Pablo Londoño used obtained debit cards from
19 a company called Monedeux. They loaded up the debit cards
20 with drug proceeds from sales in the United States which they
21 then sent down to Ecuador to purchase cocaine from the cocaine
22 supplier Politico. And you now from Alex Cifuentes that the
23 defendant was not thrilled about this method because it took
24 too much time to withdraw \$2 million from the ATMs since the
25 cards could not be loaded up with more than \$9,900.

Summation - Ms. Goldberg

6705

1 Now, there are plenty of other examples in the
2 records for you to find concealment money laundering. But I
3 will just mention one more example -- and this came from
4 Special Agent Martson testifying about the Flexispy text
5 messages that they intercepted between the defendant and his
6 wife Emma. As you know well from this, trial drug traffickers
7 rarely put properties into their own name to conceal ownership
8 of the property and the source of their assets.

9 And you saw an example of this in the text message
10 between the defendant and his wife where they were discussing
11 building a four-bedroom house with maid quarters, a high
12 ceiling, and a master bedroom. Whose name will this go into?
13 Not their own -- their twin daughters' names either.
14 Actually -- their fake names -- because the defendant and his
15 wife text chat about coming up with new names to put into
16 false documents for the purpose of hiding the true ownership
17 of the property.

18 Ladies and gentlemen, these are just a few examples,
19 as I submit, there are many and what is clear is that we have
20 proven beyond a reasonable doubt that the defendant engaged
21 and agreed with others to launder drug money both through
22 laundering money to promote and support his business and
23 laundering money by concealing the source. So I submit we've
24 proven Count 10 beyond a reasonable doubt.

25 Last part.

Summation - Ms. Goldberg

6706

1 Of defendant had a plan to conquer the drug world.

2 But that wasn't his own plan -- the defendant had a
3 contingency in place, to make sure that this day would never
4 come. That the defendant would be facing a jury in a
5 U.S. courtroom to hold him accountable for his crimes.

6 Now, what was that plan? He was ready to do
7 whatever it took -- bribery, torture, murder. If none of his
8 usual tactics worked there was always one more option:
9 Escape.

10 The defendant always had an escape route. It wasn't
11 a coincidence or luck that he escaped so many times. It was a
12 cold, calculated plan to avoid being caught.

13 And why didn't the defendant want to get caught? I
14 submit because he knows he is guilty.

15 Look all the at time the defendant got away.

16 First, in 2001, the defendant escaped from a maximum
17 security prison in Mexico. And why did he escape? Well,
18 Vicente Zambada and Damaso Lopez testified that the defendant
19 told them he escaped because he had learned he was about to be
20 extradited to the United States.

21 Now, I expect the defense will get up and tell you
22 that there were all sorts of reasons why the defendant wanted
23 to escape from prison in 2001. It's a distraction. The real
24 reason -- as the defendant told his trust associates -- was
25 because he wanted to avoid being sent to the United States.

Summation - Ms. Goldberg

6707

1 Why? Because he knows he knew he was guilty of the drug
2 trafficking crimes he would face in the United States.

3 And the 2001 capture launched a pattern for
4 defendant. He built an empire over the next 15 years but he
5 always had escape plan ready. Always ready to avoid being
6 caught.

7 And as you know, the defendant continued to be
8 worried about pursued by the U.S. Government -- even after his
9 2001 escape because you heard him say it in his recordings
10 with M-10 in 2010. He knows that the gringos have his voice.
11 And the defendant is saying that the gringos, the Americans,
12 are after him.

13 So after spending years holed up in his mountain
14 highway away to void capture, the next time the defendant
15 escaped was in 2012 when the federal police nearly captured
16 him at his ocean view mansion in Los Cabos, Mexico.

17 You heard from Alex Cifuentes about what happened on
18 that day when the federal police tried to capture him. You
19 heard the call between him and his mother.

20 Lucero Sanchez testified about what the defendant
21 told her about the near miss. The army had come looking for
22 the defendant but he escaped by jumping over the fence and he
23 got scraped up. He told Lucero that he had to hide in the
24 bushes but was eventually able to escape with Condor. And you
25 saw the footprints behind the defendant's house during the

Summation - Ms. Goldberg

6708

1 testimony of Special Agent Moreno who came to observe the
2 defendant's house after the capture operation which
3 corroborates her account.

4 You also know how the defendant escaped because this
5 is exactly what the defendant told Emma Coronel on the
6 Flexispy messages.

7 Well, the third time is the charm, ladies and
8 gentlemen, because when the military came after him exactly
9 two years later the defendant slipped through their grasp.
10 This time the Mexican Marines went into the lion's den in
11 Culiacan.

12 But the defendant was just as prepared. He always
13 had a plan. That's why he had a labyrinths of tunnels under
14 all his safe houses in Culiacan. So when DEA Special Agent
15 Victor Vasquez was with the Mexican Marines trying to ram
16 through door -- a door so strong that it broke the ram -- the
17 defendant was able to get away.

18 Now, why did he escape? Because he knew he was
19 guilty.

20 You saw the inside of the house, you saw the
21 tunnels. You saw how elaborate it was to escape.

22 The houses were set up to watch for enemies and law
23 enforcement. You heard the testimony from Alex Cifuentes and
24 Lucero Sanchez about all the safe houses had security cameras
25 and monitors to allow the defendant to see who was coming.

Summation - Ms. Goldberg

6709

1 And you know it's true because Alex Cifuentes and
2 Lucero identified the same house that Special Agent Vasquez
3 not only identified but was in. You also know from Alex
4 Cifuentes and Lucero and Special Agent Vasquez that these
5 houses were outfitted with bathtub trap doors that allowed the
6 defendant to escape into the sewers of Culiacan with just the
7 flick of a censor in an electrical outlet. Alex described the
8 mechanism by which you open the tub -- like opening the trunk
9 of a car and then there are shock absorbers to open it wide.
10 You heard the testimony from Special Agent Vasquez and saw the
11 video of Nariz opening the tub, just as Alex described.

12 But just a few days later, the defendant's luck ran
13 out. Just as you heard from Special Agent Vasquez and Damaso
14 Lopez, the defendant was captured at a beach resort in
15 Mazatlan and sent to jail.

16 But, once again, the four walls of prison could not
17 keep his scheming at bay. Even though the defendant was
18 locked away, this was never a problem for him in Mexico. He
19 bided his time, patiently calculating his next flight from
20 justice.

21 And on July 12, 2015, the defendant disappeared from
22 another Mexican federal prison -- this time using his favorite
23 method: A tunnel. You heard testimony from Damaso Lopez
24 about the elaborate planning this escape required. That's
25 just how badly the defendant wanted to avoid being here

Summation - Ms. Goldberg

6710

1 today -- it took him months, it involved the help and
2 coordination of Damaso but his family to get it done.

3 How does a kingpin of his stature escape this time
4 around after four years of growing his empire. As Damaso told
5 you, he used a GPS watch, bought a plot of land worth hundreds
6 of thousands of dollars, used sophisticated tunnels and
7 motorcycles driven by another co-conspirator and you know it's
8 true because you heard from Jim Bradley, the analyst from the
9 Department of Defense and he testified that the defendant's
10 tunnel was almost a mile long, had a sophisticated ventilation
11 system and went straight to the floor of the defendant's
12 shower in his cell. You saw the video of the defendant's
13 escape from the cell yourself -- how he calmly disappeared
14 into a hole in the floor of the shower of the cell.

15 You know that the defendant's planned stint as a
16 fugitive much shorter this time around. But that did not
17 deter the defendant when he was arrested yet again in February
18 he 2016. You heard from Damaso Lopez that even as of December
19 2016, just a month before the defendant was put on a plane to
20 Long Island, New York, the defendant was busy at work planning
21 yet another escape. Why? Because he is guilty and he never
22 wanted to be in a position where he would have to answer for
23 his crimes.

24 He wanted to avoid sitting right there.

25 In front of you.

Summation - Ms. Goldberg

6711

1 Having seen this overwhelming evidence of his guilt.

2 So when the defendant went through that tunnel in
3 2015 he thought he was getting away with his crime. But
4 that's not what happened. He's sitting right there. Do not
5 let him escape responsibility. Hold him accountable for his
6 crimes. Find him guilty on all counts.

7 Thank you.

8 THE COURT: All right. Thank you, Ms. Goldberg.

9 Sorry we're a little late, ladies and gentlemen, but
10 I wanted to get this part done. We will reconvene tomorrow
11 morning at 9:30.

12 Particularly at this point please stay away from any
13 media coverage.

14 Do not communicate about this case either among
15 yourselves at all or with any one of your families, friends,
16 anyone else.

17 No postings no research on the case, no Internet,
18 nothing at all. We'll see you tomorrow at 9:30.

19 As you can tell, we're just about there ready to
20 begin your deliberations.

21 (Jury exits courtroom at 4:48 p.m.)

22 THE COURT: Okay. Tomorrow morning 9:30. Have a
23 good night.

24 MS. GOLDBARG: Thank you.

25 MR. BALAREZO: Thank you.

Summation - Ms. Goldberg

6712

1 (WHEREUPON, this matter was adjourned to January
2 31, 2019, at 9:30 p.m.)

3
4 * * *